

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County,  
2 held in the Board Room of the County Administration Building in the Government Center  
3 at Parham and Hungary Spring Roads, beginning at 9:00 a.m. Wednesday, April 25,  
4 2007.

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Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)  
Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
Mrs. Bonnie-Leigh Jones (Tuckahoe)  
Mr. Frank Thornton (Fairfield)  
Board of Supervisors Representative  
Mr. Randall R. Silber, Director of Planning, Secretary

Others Present: Mr. David D. O’Kelly, Assistant Director of Planning  
Ms. Leslie A. News, CLA, Principal Planner  
Mr. James P. Strauss, CLA, County Planner  
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner  
Mr. Michael F. Kennedy, County Planner  
Ms. Christina L. Goggin, AICP, County Planner  
Mr. Tony Greulich, C.P.C., County Planner  
Mr. Matt Ward, County Planner  
Mr. Gregory Garrison, County Planner  
Mr. Lee Pambid, C.P.C., County Planner  
Ms. Aimee Berndt, County Planner  
Ms. Kate Teator, Planning Technician  
Mr. Michael Jennings, Traffic Engineer  
Ms. Diana B. Carver, Recording Secretary

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

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Mr. Branin - Welcome to the April 25, 2007 Subdivision and Plans of Development meeting for Henrico County.

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Mr. Archer - Good morning, Mr. Chairman.

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Mr. Jernigan - Good morning, Mr. Chairman.

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18

Mr. Branin - Good morning. I know that there are some people in the audience that are interested in talking with Mr. Strauss in regards to the Staples Mill project. Mr. Strauss, if you’d like to continue your conversation, feel free, but if you could do it out in the lobby, or are you good?

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Mr. Strauss - I think we’re done.

24  
25 Mr. Branin - You're done? Okay. There is no one from the press here  
26 this morning, but we do have our supervisor, Mr. Thornton. I would like to welcome you  
27 this morning, Mr. Thornton, and also Mr. O'Kelly in the back. With that, Mr. Silber, I'm  
28 turning it over to you.

29  
30 Mr. Silber - Thank you, Mr. Chairman. Good morning to everyone.  
31 Before we start the agenda, I wanted to introduce some staff, if you would allow me to.  
32 We have filled several positions in our office due to promotions and to a retirement, so  
33 we have three new staff with us today that I wanted to introduce. The first is Lee  
34 Pambid. Lee, if you could stand up please. Lee is filling Mike Kennedy's position. Mike  
35 was promoted and Lee has filled his position. Lee has an undergraduate degree from  
36 VCU in Urban Studies and Planning. He comes to us from the Town of South Boston,  
37 where he was employed for approximately seven years. He has a wide variety of skills  
38 and experience that should help us quite a bit in the plan review section, so Lee is one  
39 of our new planners. Second is Aimee Berndt. Aimee has her Bachelor's degree in  
40 Urban Studies from VCU and her Master's degree in Urban and Regional Planning from  
41 VCU. She came to us from the Virginia Economic Development Partnership, where she  
42 was serving as a GIS intern. Both Lee and Aimee started with us on April 4<sup>th</sup>. Finally,  
43 last but not least, is Kate Teator who is a Planning Technician. She filled Bob Eagle's  
44 position. You may know Bob Eagle who worked for us for many, many years and has  
45 retired. Kate is filling his position. If she looks familiar to you, she was a County  
46 employee with the Permit Center before coming to the Planning Department. She  
47 worked three years in the Permit Center and before that, she worked in Purcellville,  
48 Virginia in the Planning Department. She has her bachelor's degree in Geography from  
49 Mary Washington. She started on the 18<sup>th</sup>. I wanted to introduce the three of them to  
50 the Planning Commission.

51  
52 Ms. News - Good morning, Mr. Secretary, members of the Planning  
53 Commission. We have three requests for deferrals this morning. The first is found on  
54 page 3 of your agenda and is located in the Three Chopt District. This is a Transfer of  
55 Approval, POD-36-88, Chem Treat Building. The applicant is requesting a deferral to  
56 the May 23, 2007 meeting.

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58 **TRANSFER OF APPROVAL (Deferred from the March 28, 2007 Meeting)**

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POD-36-88 Chem Treat Building – 4301 Dominion Boulevard	<b>William Homiller for 4301 Dominion Boulevard, LLC:</b> Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Lakefront Associates, L.P. to 4301 Dominion Boulevard, LLC. The 2.457-acre site is located at 4301 Dominion Boulevard, on the west line of Dominion Boulevard, approximately 450 feet north of its intersection with Innslake Drive on parcel 747-762-9548. The zoning is O- 3C, Office District (Conditional) and C-1, Conservation District. County water and sewer. <b>(Three Chopt)</b>
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60  
61 Mr. Branin - Is there anyone in the audience in opposition to the deferral  
62 of this transfer of approval request for POD-36-88, Chem Treat Building, Three Chopt  
63 District? No opposition. I would like to move that POD-36-88 be deferred to the May  
64 23, 2007 meeting, per the applicant's request.

65  
66 Mr. Vanarsdall - Second.

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

70  
71 At the request of the applicant, the Planning Commission deferred POD-36-88, Chem  
72 Treat Building, to its May 23, 2007 meeting.

73  
74 Ms. News - The next item is on page 31 of your agenda and located in  
75 the Varina District. This is SUB-14-07, Village @ Olde Colony (February 2007 Plan) for  
76 6 lots. The applicant is requesting a deferral to the May 23, 2007 meeting.

77  
78 **SUBDIVISION (Deferred from the March 28, 2007 Meeting)**

79  
SUB-14-07 **Bay Design Group, P.C. for Shurm Construction, Inc.**  
Village @ Olde Colony **and Sydney and Sydney Development, LLC:** The 3.673-  
(February 2007 Plan) - acre site proposed for a subdivision of 6 single-family  
Harmony Avenue homes is located along the south line of Harmony Avenue  
and the northern terminus of Woodside Street on parcel  
803-696-9576. The zoning is R-3C, One-Family Residence  
District (Conditional). County water and sewer. **(Varina) 6**  
**Lots**

80  
81 Mr. Branin - Is anyone in opposition to the deferral of SUB-14-07, Village  
82 @ Olde Colony (February 2007 Plan)? No opposition.

83  
84 Mr. Jernigan - Mr. Chairman, I move for deferral for SUB-14-07, Village @  
85 Olde Colony, to the May 23, 2007 meeting by request of the applicant.

86  
87 Mr. Vanarsdall - Second.

88  
89 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall.  
90 All in favor say aye. All opposed say no. The ayes have it. The motion carries.

91  
92 At the request of the applicant, the Planning Commission deferred SUB-14-07, Village  
93 @ Olde Colony (February 2007 Plan), to its May 23, 2007 meeting.

94  
95 Ms. News - The last item is on page 36 of your agenda and located in  
96 the Varina District. This is SUB-25-07, Carters Green (April 2007 Plan) for 41 lots. The  
97 applicant is requesting a deferral for three months to the July 25, 2007 meeting.

98 **SUBDIVISION**

99

SUB-25-07  
Carters Green  
(April 2007 Plan)

**Austin Brockenbrough & Associates, L.L.P. for Rusty Acres:** The 23.8-acre site proposed for a subdivision of 41 single-family zero lot line homes is located on the south line of Meadow Road, 0.70 mile east of Hanover Road (Route 156) on parcels 832-719-2212 and 832-718-1235. The zoning is R-5AC, General Residence District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina) 41 Lots**

100

101 Mr. Branin - Is anyone in opposition to the deferral of SUB-25-07, Carters  
102 Green (April 2007 Plan)? No opposition.

103

104 Mr. Vanarsdall - Mr. Chairman, I move for deferral of SUB-25-07, Carters  
105 Green, to the July 25, 2007 meeting at the request of the applicant.

106

107 Mr. Vanarsdall - Second.

108

109 Mr. Branin - The motion was made by Mr. Jernigan, seconded by Mr.  
110 Vanarsdall. All in favor say aye. All opposition say no. The ayes have it. The motion  
111 carries.

112

113 Ms. News - We have no further requests.

114

115 Mr. Silber - Any deferrals by Planning Commission members this  
116 morning? Okay. Hearing none, next on the agenda would be consideration of our  
117 expedited items. These are plans for which there are no known outstanding issues,  
118 staff is recommending approval of these cases, they're somewhat minor in nature, and  
119 there is no known opposition. The applicant is agreeable to all the annotations and the  
120 conditions recommended by staff. These would be considered without a full hearing. If  
121 there is opposition to any of these plans, they will be pulled off the expedited agenda  
122 and heard in the order in which they're found on the full agenda. We have a number of  
123 items today on the expedited agenda. Ms. News?

124

125 Ms. News - The first items is on page 4 of your agenda and is located in  
126 the Varina District. This is a Transfer of Approval for POD-80-91, Industrial Business  
127 Park – Building #2. Staff is recommending approval.

128

129 **TRANSFER OF APPROVAL**

130

POD-80-91 **Beverly Crump for RBP Associates, LLC:** Request for Industrial Business Park – transfer of approval as required by Chapter 24, Section 24- Building #2 – International Trade Court 106 of the Henrico County Code from Virginia Warehouse, LLC to RBP Associates, LLC. The 10.9-acre site is located at 4641 International Trade Court, approximately 900 feet east of Oakleys Lane on parcel 819-717-1740. The zoning is M-1C, Light Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

131

132 Mr. Branin - Is anybody in opposition to POD-80-91? No one.

133

134 Mr. Jernigan - Mr. Chairman, with that, I will move for approval of the Transfer of Approval for POD-80-91, Industrial Business Park – Building #2.

135

136 Mr. Archer - Second.

137

138 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it. The motion carries.

139

140 The Planning Commission approved the transfer of approval request for POD-80-91, Industrial Business Park – Building #2 subject to the standard and added conditions previously approved and the following additional condition:

141

- 142 1. The site deficiencies, as identified in the inspection report dated April 16, 2007 shall be corrected by June 30, 2007. The deficiencies include cleaning up construction debris and trash and replanting dead landscape material.

143

144 Ms. News - The next item is on page 8 of your agenda and is located in the Brookland District. This is POD-16-07 (POD-85-82 Revised), Commonwealth Endodontics. There is an addendum item on page 1 of your addendum, which includes a revised recommendation for approval and indicates that the revised architectural and site plan in the agenda have been reviewed by staff and satisfy staff's concerns.

145

156 **PLAN OF DEVELOPMENT (Deferred from March 28, 2007 Meeting)**

157

POD-16-07 **Koontz-Bryant, P.C. for Formanas, LLC and Sowers**  
Commonwealth **Construction:** Request for approval of a plan of  
Endodontics – 3107 development, as required by Chapter 24, Section 24-106  
Hungary Spring Road of the Henrico County Code, to construct a one-story,  
(POD-85-82 Revised) 5,177 square foot medical office building. The 0.87-acre  
site is located on the southeast corner of the intersection  
of Hungary Spring Road and Somoa Drive on parcel 766-  
753-7462. The zoning is O-1C, Office District  
(Conditional). County water and sewer. **(Brookland)**

158

159 Mr. Branin - Is anyone opposed to POD-16-07, Commonwealth  
160 Endodontics? No one.

161

162 Mr. Vanarsdall - Mr. Chairman, I move that POD-16-07 be approved on the  
163 expedited agenda with the standard conditions for developments of this type and the  
164 following conditions 24 through 31, and the addendum as Ms. News said recommends  
165 approval.

166

167 Mrs. Jones - Second.

168

169 Mr. Branin - Motion by Mr. Vanarsdall, seconded by Mrs. Jones. All in  
170 favor say aye. All opposed say no. The ayes have it. The motion carries.

171

172 The Planning Commission approved POD-16-07, Commonwealth Endodontics (POD-  
173 85-82 Revised), subject to the annotations on the plans, the standard conditions  
174 attached to these minutes for developments of this type, and the following additional  
175 conditions:

176

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

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

184 26. Outside storage shall not be permitted.

185 27. The proffers approved as a part of zoning case C-61C-06 shall be incorporated in  
186 this approval.

187 28. All exterior lighting fixtures shall be designed and arranged so the source of light  
188 is not visible from the roadways or adjacent residential properties. The lighting  
189 shall be low intensity, residential in character, and the height or standards shall  
190 not exceed 15 feet.

- 191 29. Deviations from County standards for pavement, curb or curb and gutter design  
192 shall be approved by the County Engineer prior to final approval of the  
193 construction plans by the Department of Public Works.  
194 30. Insurance Services Office (ISO) calculations must be included with the plans and  
195 contracts and must be approved by the Department of Public Utilities prior to the  
196 issuance of a building permit.  
197 31. The location of all existing and proposed utility and mechanical equipment  
198 (including HVAC units, electric meters, junction and accessory boxes,  
199 transformers, and generators) shall be identified on the landscape plans. All  
200 equipment shall be screened by such measures as determined appropriate by  
201 the Director of Planning or the Planning Commission at the time of plan approval.  
202

203 Ms. News - The next item is on page 10 of your agenda and located in  
204 the Three Chopt District. This is POD-17-07, Westmark Four. There is an addendum  
205 item on page 2 of your addendum, which includes the revised condition #24 relating to  
206 required widening and the construction of the improvements on Cox Road.  
207

208  
209 **PLAN OF DEVELOPMENT (Deferred from the March 28, 2007 Meeting)**  
210

POD-17-07  
Westmark Four – Cox  
Road and I-64

**Vanasse Hangen Brustlin, Inc. for RER/New Boston  
Cox Road, LLC:** Request for approval of a plan of  
development, as required by Chapter 24, Section 24-106  
of the Henrico County Code, to construct a building pad  
and parking for a future 100,000 square foot office  
building. The 5.43-acre site is located on the west line of  
Cox Road approximately 1,200 feet south of the  
intersection of W. Broad Street (U.S. Route 250) and Cox  
Road on parcel 747-759-4312. The zoning is O-3C, Office  
District (Conditional) and O-3, Office District. County water  
and sewer. **(Three Chopt)**

211  
212 Mr. Branin - Is anyone in opposition to POD-17-07? None? Then I'd like  
213 to move that POD-17-07 be approved on the expedited agenda subject to the standard  
214 conditions for projects of this type, conditions 24 through 32, and the revised 24.  
215

216 Mr. Jernigan - Second.  
217

218 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Jernigan. All in  
219 favor say aye. All opposed say no. The ayes have it. The motion carries.  
220

221 The Planning Commission approved POD-17-07, Westmark Four, subject to the  
222 annotations on the plans, the standard conditions attached to these minutes for  
223 developments of this type, and the following additional conditions:  
224

- 225 24. ~~The widening of Cox Road as shown on approved plans shall be completed prior~~  
226 ~~to any occupancy permits being issued.~~  
227 **REVISED** – Construction to widen Cox Road to 33.5 feet from the centerline to  
228 face of curb is required along the frontage of Cox Road, with a 2:1 asphalt taper  
229 back to the existing pavement to the south. The road widening improvements  
230 shall be completed concurrently with the construction of the parking lot.
- 231 25. The easements for drainage and utilities as shown on approved plans shall be  
232 granted to the County in a form acceptable to the County Attorney prior to any  
233 occupancy permits being issued. The easement plats and any other required  
234 information shall be submitted to the County Real Property Agent at least sixty  
235 (60) days prior to requesting occupancy permits.
- 236 26. The entrances and drainage facilities on Interstate 64 shall be approved by the  
237 Virginia Department of Transportation and the County.
- 238 27. A notice of completion form, certifying that the requirements of the Virginia  
239 Department of Transportation entrances permit have been completed, shall be  
240 submitted to the Department of Planning prior to any occupancy permits being  
241 issued.
- 242 28. The developer shall provide fire hydrants as required by the Department of Public  
243 Utilities and Division of Fire.
- 244 29. The proffers approved as a part of zoning cases C-41C-06 and C-61C-89 shall  
245 be incorporated in this approval.
- 246 30. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
247 drainage plans.
- 248 31. Insurance Services Office (ISO) calculations must be included with the plans and  
249 contracts and must be approved by the Department of Public Utilities prior to the  
250 issuance of a building permit.
- 251 32. The location of all existing and proposed utility and mechanical equipment  
252 (including HVAC units, electric meters, junction and accessory boxes,  
253 transformers, and generators) shall be identified on the landscape plans. All  
254 equipment shall be screened by such measures as determined appropriate by  
255 the Director of Planning or the Planning Commission at the time of plan approval.

256  
257 Ms. News - The next item is on page 12 of your agenda and is located in  
258 the Three Chopt District. This is POD-18-07, Westmark II, Phase II. There is also an  
259 addendum item on page 2, which includes a revised condition #26, and this is related to  
260 provision of a sidewalk along W. Broad Street connecting future development west of  
261 the existing entrance to the eastern property line.  
262



263  
264

**PLAN OF DEVELOPMENT (Deferred from the March 28, 2007 Meeting)**

POD-18-07 **Vanasse Hangen Brustlin, Inc. for RER/New Boston W. Broad Street LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct two building pads for future restaurants of 8,400 square feet and 8,125 square feet with parking areas, and a 3,000 square foot pad for a future bank. The 4.38-acre site is located at the intersection of I-64 and W. Broad Street (U.S. Route 250) on parcel 746-760-8608. The zoning is O-3, Office District and B-3C, Business District (Conditional). County water and sewer. **(Three Chopt)**

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Mr. Branin - Is anyone in opposition to POD-18-07? No one? Then I'd like to move that POD-18-07 move forward on the expedited agenda and be approved with conditions 24 through 32, and revised 26.

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271

Mr. Jernigan - Second.

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273  
274

Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it. The motion carries.

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The Planning Commission approved POD-18-07, Westmark II, Phase II, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

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- 24. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 25. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
- 26. ~~A standard concrete sidewalk shall be provided along the south side of W. Broad Street (U.S. Route 250).~~  
**REVISED** - A standard five-foot-wide sidewalk with a two-foot-wide utility strip is required along W. Broad Street from the eastern property line to the existing western entrance, or as otherwise approved by the Director of Planning to provide a pedestrian connection to the future development west of this entrance.
- 27. The proffers approved as a part of zoning case C-73C-05 shall be incorporated in this approval.
- 28. The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not

- 298 effective, the Commission retains the rights to review and direct the type of  
 299 system to be used.
- 300 29. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
 301 drainage plans.
- 302 30. Insurance Services Office (ISO) calculations must be included with the plans and  
 303 contracts and must be approved by the Department of Public Utilities prior to the  
 304 issuance of a building permit.
- 305 31. Evidence of a joint ingress/egress and maintenance agreement must be  
 306 submitted to the Department of Planning and approved prior to issuance of a  
 307 certificate of occupancy for this development.
- 308 32. The location of all existing and proposed utility and mechanical equipment  
 309 (including HVAC units, electric meters, junction and accessory boxes,  
 310 transformers, and generators) shall be identified on the landscape plans. All  
 311 equipment shall be screened by such measures as determined appropriate by  
 312 the Director of Planning or the Planning Commission at the time of plan approval.

313  
 314 Ms. News - The next item is on page 18 of your agenda and located in  
 315 the Varina District. This is POD-22-07, Stanley Stephens. Staff recommends approval.

316  
 317 **PLAN OF DEVELOPMENT**

318  
 319  
 320 **POD-22-07 Foster & Miller, P.C. for International Airport Center,**  
 321 **Stanley Stephens – 5501 LC and Yoju, LLC:** Request for approval of a plan of  
 322 **International Trade Drive** development, as required by Chapter 24, Section 24-106  
 323 of the Henrico County Code, to construct a one-story,  
 324 15,000 square foot office/warehouse building. The 5.5-  
 325 acre site is located on the south line of International Trade  
 326 Drive, approximately 2,300 feet east of its intersection with  
 327 Oakley’s Lane on part of parcel 820-718-5307. The zoning  
 328 is M-1, Light Industrial District and ASO, Airport Safety  
 329 Overlay District. County water and sewer. **(Varina)**

319  
 320 Mr. Branin - Is anyone opposed to POD-22-07, Stanley Stephens?  
 321 None?

322  
 323 Mr. Jernigan - Mr. Chairman, with that, I will move for approval of POD-22-  
 324 07, Stanley Stephens, on the expedited agenda, subject to the annotations on the  
 325 plans, the standard conditions for developments of this type, and the following additional  
 326 conditions #24 through 34.

327  
 328 Mr. Archer - Second.

329  
 330 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr. Archer. All in  
 331 favor say aye. All opposed say no. The ayes have it. The motion carries.

332

333 The Planning Commission approved POD-22-07, Stanley Stephens, subject to the  
334 annotations on the plans, the standard conditions attached to these minutes for  
335 developments of this type, and the following additional conditions:  
336

- 337 24. The easements for drainage and utilities as shown on approved plans shall be  
338 granted to the County in a form acceptable to the County Attorney prior to any  
339 occupancy permits being issued. The easement plats and any other required  
340 information shall be submitted to the County Real Property Agent at least sixty  
341 (60) days prior to requesting occupancy permits.
- 342 25. The developer shall provide fire hydrants as required by the Department of Public  
343 Utilities and Division of Fire.
- 344 26. All repair work shall be conducted entirely within the enclosed building.
- 345 27. Outside storage shall not be permitted.
- 346 28. The certification of building permits, occupancy permits and change of  
347 occupancy permits for individual units shall be based on the number of parking  
348 spaces required for the proposed uses and the amount of parking available  
349 according to approved plans.
- 350 29. The loading areas shall be subject to the requirements of Chapter 24, Section  
351 24-97(b) of the Henrico County Code.
- 352 30. Insurance Services Office (ISO) calculations must be included with the plans and  
353 contracts and must be approved by the Department of Public Utilities prior to the  
354 issuance of a building permit.
- 355 31. The limits and elevations of the 100-year frequency flood shall be conspicuously  
356 noted on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-  
357 year floodplain must be labeled "Variable Width Drainage and Utility Easement."  
358 The easement shall be granted to the County prior to the issuance of any  
359 occupancy permits.
- 360 32. Any necessary off-site drainage and/or water and sewer easements must be  
361 obtained in a form acceptable to the County Attorney prior to final approval of the  
362 construction plans.
- 363 33. Deviations from County standards for pavement, curb or curb and gutter design  
364 shall be approved by the County Engineer prior to final approval of the  
365 construction plans by the Department of Public Works.
- 366 34. The location of all existing and proposed utility and mechanical equipment  
367 (including HVAC units, electric meters, junction and accessory boxes,  
368 transformers, and generators) shall be identified on the landscape plans. All  
369 equipment shall be screened by such measures as determined appropriate by  
370 the Director of Planning or the Planning Commission at the time of plan approval.

371  
372 Ms. News - The next item is on page 34 of your agenda and located in  
373 the Fairfield District. This is SUB-29-07, Dillyn Place (April 2007 Plan) for 54 lots. I'd  
374 like to make a note that the zoning in the caption needs to be corrected. It states that  
375 it's R-5C, but it's actually R-5AC. Staff recommends approval.  
376

377 **SUBDIVISION**

378

SUB-29-07  
Dillyn Place  
(April 2007 Plan)  
3601 Dill Road

**Bay Design Group, P.C. for Edgar T. Hicks, III and Barrington Investors, Ltd.:** The 19.98-acre site proposed for a subdivision of 54 single-family homes is located between the west line of Barrington Road at its intersection with Glenthorne Road and the east line of the Chesapeake and Ohio Railroad on parcel 799-732-4991. The zoning is ~~R-5C~~, R-5AC General Residence District (Conditional). County water and sewer. **(Fairfield) 54 Lots**

379

380 Mr. Branin -  
381 one? Mr. Archer.

Is anyone in opposition to SUB-29-07, Dillyn Place? No

382

383 Mr. Archer -

384 Mr. Chairman, I'd like to move for approval on the expedited  
385 agenda of SUB-29-07, Dillyn Place, subject to the annotations on the plans, standard  
386 conditions for subdivisions served by public utilities, and the additional conditions 12  
387 through 17.

387

388 Mrs. Jones -

Second.

389

390 Mr. Branin -

391 Motion made by Mr. Archer, seconded by Mrs. Jones. All in  
392 favor say aye. All opposed say no. The ayes have it. The motion carries.

392

393 The Planning Commission granted conditional approval to subdivision Dillyn Place (April  
394 2007 Plan) subject to the standard conditions attached to these minutes for subdivisions  
395 served by public utilities, the annotations on the plans and the following additional  
396 conditions:

397

398 12. Each lot shall contain at least 5,625 square feet, exclusive of the flood plain  
399 areas.

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

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

406 15. The proffers approved as a part of zoning case C-65C-06 shall be incorporated in  
407 this approval.

408 16. Prior to requesting the final approval, a draft of the covenants and deed  
409 restrictions for the maintenance of the common area by a homeowners  
410 association shall be submitted to the Department of Planning for review. Such  
411 covenants and restrictions shall be in a form and substance satisfactory to the  
412 County Attorney and shall be recorded prior to recordation of the subdivision plat.

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

415 developed with engineered fill. All material shall be deposited and compacted in  
416 accordance with the Virginia Uniform Statewide Building Code and geotechnical  
417 guidelines established by a professional engineer. A detailed engineering report  
418 shall be submitted for review and approval by the Building Official prior to the  
419 issuance of a building permit on the affected lot. A copy of the report and  
420 recommendations shall be furnished to the Directors of Planning and Public  
421 Works.

422  
423 Ms. News - The next item is on page 35 of your agenda and located in  
424 the Brookland District. This is SUB-24-07, Mountain Cove (April 2007 Plan) for 4 lots.  
425 There is an addendum item on page 10 of your addendum with additional condition #15  
426 relating to the provision of a landscape plan for the common area and planting strip  
427 easement. Staff recommends approval.

428  
429 **SUBDIVISION**

430  
SUB-24-07 **E. D. Lewis & Associates, P.C. for Russell D. Stone, Sr.  
and Harry & Carter Snipes:** The 2.88-acre site proposed  
Mountain Cove for a subdivision of 4 single-family homes is located  
(April 2007 Plan) approximately 175 feet east of Hill Trace Court at 8500  
Hungary Road and Honey Lane Hungary Road, on parcel 764-761-5506. The zoning is R-  
2, One-Family Residential District. County water and  
sewer. **(Brookland) 4 Lots**

431  
432 Mr. Branin - Is anyone in opposition to SUB-24-07, Mountain Cove? No  
433 one?

434  
435 Mr. Vanarsdall - Mr. Chairman, I move that SUB-24-07, Mountain Cove, be  
436 recommended for approval on the expedited agenda subject to standard conditions for  
437 subdivisions served by public utilities and the following additional conditions 12, 13, 14,  
438 and on the addendum we add condition 15.

439  
440 Mrs. Jones - Second.

441  
442 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mrs. Jones. All  
443 in favor say aye. All opposed say no. The ayes have it. The motion carries.

444  
445 The Planning Commission granted conditional approval to subdivision Mountain Cove  
446 (April 2007 Plan) subject to the standard conditions attached to these minutes for  
447 subdivisions served by public utilities, the annotations on the plans and the following  
448 additional conditions:

- 449  
450 12. A County standard sidewalk shall be constructed along the north side of Hungary  
451 Road.  
452 13. Any necessary offsite drainage easements must be obtained prior to approval of  
453 the construction plan by the Department of Public Works.

- 454 14. Prior to requesting the final approval, a draft of the covenants and deed  
 455 restrictions for the maintenance of the common area by a homeowners  
 456 association shall be submitted to the Department of Planning for review. Such  
 457 covenants and restrictions shall be in a form and substance satisfactory to the  
 458 County Attorney and shall be recorded prior to recordation of the subdivision plat.  
 459 15. The detailed plant list and specifications for the landscaping to be maintained or  
 460 provided within the 20-foot-wide landscape planting strip easement along  
 461 Hungary Road and in the common area shall be submitted to the Department of  
 462 Planning for review and approval prior to recordation of the plat.  
 463

464 Ms. News - The next item is on page 37 of your agenda and is located in  
 465 the Fairfield District. This is SUB-26-07, Atkinson's Estate (April 2007 Plan) for 2 lots.  
 466 Staff recommends approval.  
 467

468 **SUBDIVISION**  
 469

SUB-26-07 Atkinson's Estate (April 2007 Plan) 10301 and 10303 Winston Boulevard	<b>Potts, Minter &amp; Associates, P. C. for David L. Atkinson:</b> The 1.204-acre site proposed for a subdivision of 2 single- family homes is located along the east line of Winston Boulevard approximately 730 feet south of its intersection with Indale Road on parcel 773-764-1807. The zoning is R-3, One-Family Residential District. County water and sewer. <b>(Fairfield) 2 Lots</b>
---	--

470  
 471 Mr. Branin - Is anyone in opposition to SUB-26-07, Atkinson's Estate?  
 472 No one? Mr. Archer?  
 473

474 Mr. Archer - Mr. Chairman, with that, I'll move for approval of SUB-26-07,  
 475 Atkinson's Estate (April 2007 Plan) subject to the plan annotations, standard conditions  
 476 for subdivisions served by public utilities, and the additional condition #12.  
 477

478 Mr. Jernigan - Second.  
 479

480 Mr. Branin - Motion made by Mr. Archer, seconded by Mr. Jernigan. All in  
 481 favor say aye. All opposed say no. The ayes have it. The motion carries.  
 482

483 The Planning Commission granted conditional approval to subdivision Atkinson's Estate  
 484 (April 2007 Plan) subject to the standard conditions attached to these minutes for  
 485 subdivisions served by public utilities, the annotations on the plans and the following  
 486 additional condition:  
 487

- 488 12. The conditions approved as a part of variance case A-034-06 shall be  
 489 incorporated in this approval.  
 490

491 Ms. News - The final item is on page 38 of your agenda and located in  
492 the Tuckahoe District. This is SUB-30-07, Ridgeview (April 2007 Plan) for one lot. Staff  
493 recommends approval.

494  
495 **SUBDIVISION**

496  
SUB-30-07 **Potts, Minter & Associates, P.C. for Youssry & Deveen**  
Ridgeview **Samuel:** The 0.335-acre site proposed for a subdivision of  
(April 2007 Plan) 1 single-family home is located along the north line of  
8420 Ridge Road Ridge Road, approximately 350 feet east of its intersection  
with Glendale Drive on part of parcel 754-739-6321 and  
6711. The zoning is R-3, One-Family Residence District.  
County water and sewer. **(Tuckahoe) 1 Lot**

497  
498 Mr. Branin - Anyone in opposition to SUB-30-07, Ridgeview? No one?  
499 Mrs. Jones.

500  
501 Mrs. Jones - I move for approval of SUB-30-07, Ridgeview (April 2007  
502 Plan) on the expedited agenda subject to the annotations on the plans and standard  
503 conditions for subdivisions served by public utilities.

504  
505 Mr. Vanarsdall - Second.

506  
507 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr. Vanarsdall. All  
508 in favor say aye. All opposed say no. The ayes have it. The motion carries.

509  
510 The Planning Commission granted conditional approval to subdivision Ridgeview (April  
511 2007 Plan) subject to the standard conditions attached to these minutes for subdivisions  
512 served by public utilities and the annotations on the plans.

513  
514 Ms. News - That concludes the expedited agenda.

515  
516 Mr. Silber - Thank you. Moving back to page 2 of your agenda would be  
517 consideration of extensions of conditional subdivision approval. There has been a  
518 modification on your addendum to the list that was on the full agenda in that there is  
519 now only one that is up for extension of conditional approval, that being Bentley. Again,  
520 this does not require Planning Commission approval. These are on the agenda for  
521 informational purposes only, as this can be extended administratively. There is another  
522 addendum item relating to Bentley and maybe Ms. Goggin can explain that to us.

523

524  
525  
526

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

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Year(s) Extended Recommended
<b>Bentley (April 2005 Plan)</b>	<b>67</b>	<b>17</b>	<b>1</b>	<b>Three Chopt</b>	<b>4 3 Years 4/23/0810</b>
<b>Majestic Meadows (Sept. 2004 Plan)</b>	<b>123</b>	<b>123</b>	<b>0</b>	<b>Brookland Varina</b>	<b>1 Year 4/23/08</b>

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Ms. Goggin - Yes. Good morning. There are two subdivisions that are up for administrative extension. One is Bentley and the other is Majestic Meadows. It turns out that Bentley has a number of lots that are recorded and per our procedure, once you have lots that are recorded, we can extend conditional approval for up to five years from the date of Planning Commission approval. So, that's why Bentley is changed on your addendum.

Mr. Jernigan - So, Majestic Meadows is still on there. In the addendum, it just had Bentley and it showed it from one year to three years.

Ms. Goggin – Exactly, yes sir.

Mr. Silber - Thank you.

**LANDSCAPE PLAN – PHASE 2**

542  
543

LP/POD-74-05  
Reynolds Crossing West – Glenside Drive and Forest Avenue

**Higgins & Gerstenmaier for Reynolds Holdings LLC:** Request for approval of a phase two landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 9.55-acre site is located on the southwest corner of the intersection of Glenside Drive and Forest Avenue on part of parcel 765-744-**9723 6557**. The zoning is B-2C, Business District (Conditional) and O-3C, Office District (Conditional). **(Three Chopt)**

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551

Mr. Branin - Is there anyone in the audience in opposition to LP/POD-74-05, Reynolds Crossing West? No one.

Mr. Strauss - Thank you, Mr. Chairman, members of the Commission. This is an application for approval of a phase 2 landscape plan for the buffer along the Charles Glen Subdivision. The Commission may recall having seen this project several times these last several months. Last month, the Commission approved the Bon



552 Secours medical office building to be located at the corner of Forest Avenue and  
553 Glenside Drive. Last fall, the Commission also approved a phase 1 buffer to allow  
554 installation of an eight-foot screen wall and evergreen tree plantings. This Phase 2 Plan  
555 is an opportunity to take advantage of the planting season that is now upon us and  
556 complete a pledge by the owner to fill in some gaps as identified in a previous meeting  
557 of neighbors. The plan we're handing out this morning has been seen by the neighbors.  
558 It's my understanding they're fine with this plan, so we're recommending approval of this  
559 phase 2 buffer. We'll be seeing the overall landscape plan sometime in the future to  
560 complete this project. I'll be happy to answer any questions you may have.

561  
562 Mr. Branin - Thank you. I don't have any questions for you. Is there  
563 anyone representing Reynolds here today? Can you come down? This is just so you  
564 can carry it back to Reynolds and to their representing attorney, who I believe is Mr.  
565 Theobald. In several of our meetings with the neighborhood, we discussed anything  
566 that Reynolds would bring forward on this project, to keep the neighborhood association  
567 in the loop and give them 30 days notice so they can come and review it. The way it's  
568 written, I believe, in the proffers it would basically say if it was a POD or a zoning. Even  
569 though this is landscaping, their understanding is that they'll be kept in the loop. I would  
570 truly appreciate if Mr. Reynolds would keep them in the loop like we had discussed.

571  
572 Mr. Biltz - Okay.

573  
574 Mr. Branin - Okay? Thank you. Does anybody have any questions in  
575 regards to this one? None? Okay. If there's no opposition then, I'm going to move for  
576 approval of the LD/POD-74-05, Reynolds Crossing West.

577  
578 Mr. Vanarsdall - Second.

579  
580 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All  
581 in favor say aye. All opposed say no. The ayes have it. The motion carries.

582  
583 Mr. Thornton - Mr. Chairman, would you be so kind as to tell the technicians  
584 to cut that microphone up a little bit?

585  
586 Mr. Branin - They're doing it as we speak. They heard you. Yours is  
587 working.

588  
589 Mr. Silber - Also, perhaps, for the record, I did not get the gentleman's  
590 name who was at the podium a few minutes ago.

591  
592 Mr. Strauss - That would be Mr. Randy Biltz, Higgins and Gerstenmaier.

593  
594 Mr. Silber - Okay, thank you.

595



624 **LANDSCAPE AND LIGHTING PLAN**

625

LP/POD-63-06  
Wellness Center @  
Starling

**Purvis & Associates Inc. for Sliding Home LLC and Ms. Paige Beale:** 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 .403-acre site is located on the west line of Starling Drive, approximately 360 feet south of the intersection with Quioccasin Road on part of parcel 752-744-2461. The zoning is B-2C, Business District (Conditional). **(Tuckahoe)**

626

627 Mr. Branin - Is anyone in the audience in opposition to LP/POD-63-06,  
628 Wellness Center? No one?

629

630 Mr. Strauss - Thank you, Mr. Chairman, members of the Commission. At  
631 the time the agenda was prepared, the staff had not been able to visit the site to  
632 complete its review of the plan. Since that time, staff has visited the site and discussed  
633 the proposal with the owner and the CPTED reviewer, Kim Vann, of the police  
634 department. Staff has received a revised landscape plan, which we are handing out this  
635 morning. The designer has agreed to change the proposed Bradford Pears in the  
636 parking area to maple trees, the Crape Myrtles to Yoshino Cherries, and the entire front  
637 of the building will have mulch beds and sod. Those areas have been delineated on this  
638 revised plan. Staff is now recommending approval of this revised staff plan for  
639 landscaping.

640

641 Unfortunately, there are some issues remaining with the lighting plan with the police  
642 reviewer that have not been resolved, so we're going to recommend a deferral to the  
643 next night meeting, if that's acceptable to the Commission. With that, I'll be happy to  
644 answer any questions.

645

646 Mr. Branin - The next night meeting?

647

648 Mrs. Jones - Mr. Strauss, I do believe that there has been a significant  
649 improvement in the original plan for landscape materials. It's my impression from your  
650 comments that you feel the quality of the landscaping has been enhanced.

651

652 Mr. Strauss - Yes.

653

654 Mrs. Jones - Okay. I do believe that in conversations with the applicant, it  
655 is clear that we can't approve a lighting plan that still has inconsistencies. At this point,  
656 I'm prepared to move for approval of part of this and defer part of this. Should I go  
657 ahead?

658

659 Mr. Branin - Absolutely.

660

661 Mrs. Jones - Okay. With that, I would like to thank you for your work on  
662 this and wish Paige Beale the best of luck with her new project. I would like to move for  
663 approval of the landscape plan, POD-63-06 for the Wellness Center @ Starling. This  
664 approval will be with the standard conditions for landscape plans and annotations on  
665 those plans. I would like to defer the lighting plan for POD-63-06 to the May 10, 2007  
666 meeting of the Planning Commission.

667  
668 Mr. Vanarsdall - Second.

669  
670 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr. Vanarsdall. All  
671 in favor say aye. All opposed say no.

672  
673 Mr. Vanarsdall - Doesn't she need a separate motion?

674  
675 Mr. Branin - I thought she might, but—

676  
677 Mr. Silber - I think we can handle it either way.

678  
679 Mrs. Jones - I forged ahead. All right.

680  
681 Mr. Silber - What I understand we're doing is we're approving the  
682 landscape plan as passed out to the Commission this morning, as presented, and the  
683 lighting plan would be deferred to May 10<sup>th</sup>.

684  
685 Mrs. Jones - Correct.

686  
687 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr. Vanarsdall.  
688 The ayes have it. That motion carries.

689  
690 The Planning Commission approved the landscape plan for LP/POD-63-06, Wellness  
691 Center @ Starling, subject to the standard conditions attached to these minutes for  
692 landscape and lighting plans.

693  
694 The Planning Commission deferred the lighting plan for LP/POD-63-06, Wellness  
695 Center @ Starling to the May 10, 2007 Planning Commission meeting.

696  
697 Mr. Silber - I guess since Mr. Strauss will be meeting with the residents  
698 on Staples Mill Road, we'll move on to page 14 of the agenda for POD-19-07.

699

700 **PLAN OF DEVELOPMENT**

701

POD-19-07  
Retail Shops @ Short  
Pump – W. Broad Street

**Timothy Burnette for R&R Property Development, LLC and Neal Rankins:** 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, 13,413 square foot retail building. The 1.35-acre site is located at 11579 W. Broad Street, on the south line of W. Broad Street (U.S. Route 250), approximately 1,005 feet west of its intersection with Pump Road on parcel 739-762-0100 and part of parcel 739-761-2693. The zoning is B-2C, Business District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer.  
**(Three Chopt)**

702

703 Mr. Branin - Is anyone in the audience in opposition to POD-19-07, Retail  
704 Shops @ Short Pump? None.

705

706 Mr. Garrison - Mr. Chairman, Planning Commission members.

707

708 Mr. Vanarsdall - Good morning, Mr. Garrison.

709

710 Mr. Garrison - POD-19-07, Retail Shops @ Short Pump is requesting  
711 approval of a nine-unit, approximately 13,000-square-foot retail shop along W. Broad  
712 Street in the West Broad Street Overlay District. The elevations submitted show the  
713 building constructed of at least 50% brick, per proffer #3. The elevations show the  
714 loading area and screen wall, and the floor plan submitted shows dimensions and uses  
715 in the building. Staff recommends approval subject to the annotations on the plans, the  
716 added conditions in the agenda, the standard conditions for developments of this type,  
717 and the deleted condition on page 3 in your addendum. Staff and representatives of the  
718 applicant are available to answer any questions that you may have.

719

720 Mr. Branin - Thank you. Does anybody have any questions? None?  
721 Then I would like to move for approval of POD-19-07, Retail Shops @ Short Pump,  
722 subject to annotations on the plans, standard conditions for developments of this type,  
723 and the following additional conditions, 9 through 37, and 9 and 11 amended.

724

725 Mr. Silber - I believe the addendum also recommended the deletion of  
726 condition #25.

727

728 Mr. Branin - And the deletion of condition #25.

729

730 Mrs. Jones - Second.

731

732 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones. All in  
733 favor say aye. All opposed say no. The ayes have it. The motion carries.

734 The Planning Commission approved POD-19-07, Retail Shops @ Short Pump, subject  
735 to the annotations on the plans, the standard conditions attached to these minutes for  
736 developments of this type, and the following additional conditions:  
737

- 738 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
739 Planning for review and Planning Commission approval prior to the issuance of  
740 any occupancy permits.
- 741 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan  
742 including depictions of light spread and intensity diagrams, and fixture and  
743 specifications and mounting height details shall be submitted for Department of  
744 Planning review and Planning Commission approval.
- 745 24. Outside storage shall not be permitted.
- 746 25. ~~**DELETED** - A 35-foot planting strip to preclude ingress or egress along the south  
747 side of W. Broad Street shall be shown on the approved plans. The details shall  
748 be included with the required landscape plans for review and approval.~~
- 749 26. The proffers approved as a part of zoning case C-11C-06 shall be incorporated in  
750 this approval.
- 751 27. The certification of building permits, occupancy permits and change of  
752 occupancy permits for individual units shall be based on the number of parking  
753 spaces required for the proposed uses and the amount of parking available  
754 according to approved plans.
- 755 28. Evidence of a joint ingress/egress and maintenance agreement must be  
756 submitted to the Department of Planning and approved prior to issuance of a  
757 certificate of occupancy for this development.
- 758 29. The easements for drainage and utilities as shown on approved plans shall be  
759 granted to the County in a form acceptable to the County Attorney prior to any  
760 occupancy permits being issued. The easement plats and any other required  
761 information shall be submitted to the County Real Property Agent at least sixty  
762 (60) days prior to requesting occupancy permits.
- 763 30. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall  
764 be approved by the Virginia Department of Transportation and the County.
- 765 31. A notice of completion form, certifying that the requirements of the Virginia  
766 Department of Transportation entrances permit have been completed, shall be  
767 submitted to the Department of Planning prior to any occupancy permits being  
768 issued.
- 769 32. The developer shall provide fire hydrants as required by the Department of Public  
770 Utilities and Division of Fire.
- 771 33. Any necessary off-site drainage and/or water and sewer easements must be  
772 obtained in a form acceptable to the County Attorney prior to final approval of the  
773 construction plans.
- 774 34. Deviations from County standards for pavement, curb or curb and gutter design  
775 shall be approved by the County Engineer prior to final approval of the  
776 construction plans by the Department of Public Works.
- 777 35. Insurance Services Office (ISO) calculations must be included with the plans and  
778 contracts and must be approved by the Department of Public Utilities prior to the  
779 issuance of a building permit.

- 780 36. Approval of the construction plans by the Department of Public Works does not  
 781 establish the curb and gutter elevations along the Virginia Department of  
 782 Transportation maintained right-of-way. The elevations will be set by the  
 783 contractor and approved by the Virginia Department of Transportation.  
 784 37. The location of all existing and proposed utility and mechanical equipment  
 785 (including HVAC units, electric meters, junction and accessory boxes,  
 786 transformers, and generators) shall be identified on the landscape plans. All  
 787 equipment shall be screened by such measures as determined appropriate by  
 788 the Director of Planning or the Planning Commission at the time of plan approval.  
 789

790 **PLAN OF DEVELOPMENT**  
 791

POD-20-07 **Timothy Burnette for R&R Property Development, LLC**  
 La-Z-Boy @ Short Pump – **and Neal Rankins:** Request for approval of a plan of  
 W. Broad Street development as required by Chapter 24, Section 24-106 of  
 the Henrico County Code, to construct a one-story, 17,767  
 square foot furniture store. The 1.07-acre site is located at  
 11567 W. Broad Street on the south line of W. Broad  
 Street (U.S. Route 250), approximately 750 feet west of its  
 intersection with Pump Road on parcel 739-761-2693. The  
 zoning is B-2C, Business District (Conditional) and WBSO,  
 West Broad Street Overlay District. County water and  
 sewer. **(Three Chopt)**

792  
 793 Mr. Garrison - The elevations submitted show the building constructed of  
 794 50% brick, again, as stated in proffer #3. The elevations submitted show the loading  
 795 area and the eight-foot screen masonry wall. The floor plans submitted show the  
 796 dimensions and uses in the building as well. Staff recommends approval subject to the  
 797 annotations on the plans, the standard conditions for developments of this type, the  
 798 added conditions in the agenda, and the revised condition on page 3 in your addendum.  
 799 Staff and representatives of the applicant are available to answer any questions you  
 800 may have.

801  
 802 Mr. Silber - On the addendum, the staff's recommendation is deletion of  
 803 condition 25 and replacing it with language that's found in your addendum on page 3.  
 804

805 Mrs. Jones - Mr. Garrison, on page 15 of our agenda, we have 12  
 806 amended, referring to the site lighting. Is that accurate or should that be 11?  
 807

808 Mr. Garrison - 11 amended.  
 809

810 Mrs. Jones - It says 12.  
 811

812 Mr. Garrison - Yes, it should be 11.  
 813

814 Mrs. Jones - Okay.

815  
816 Mr. Silber - Thank you, Mrs. Jones. That's correct. It should be  
817 condition 12.  
818 Mr. Garrison - Condition 11, 12 should be 11.  
819  
820 Mr. Jernigan - It's just a misprint.  
821  
822 Mr. Archer - Very observant, Mrs. Jones.  
823  
824 Mr. Branin - Thank you, Mrs. Jones. Is there anyone in the audience in  
825 opposition to POD-20-07, La-Z-Boy @ Short Pump? No one? Okay. Then I would like  
826 to move for approval of POD-20-07, La-Z-Boy @ Short Pump with annotations to the  
827 plans, standard conditions for developments of this type, and the following additional  
828 conditions 9 amended, 11 amended, 24, 25 deleted, 26 through 37.  
829  
830 Mr. Jernigan - Second.  
831  
832 Mr. Silber - Twenty-five is deleted, but there is a replacement of 25.  
833 There is a #25; it's just shown on the addendum.  
834  
835 Mr. Branin - Deleted and replaced. Okay. Motion was made by Mr.  
836 Branin and seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes  
837 have it. The motion carries.  
838  
839 The Planning Commission approved POD-20-07, La-Z-B0y @ Short Pump, subject to  
840 the annotations on the plans, the standard conditions attached to these minutes for  
841 developments of this type, and the following additional conditions:  
842  
843 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
844 Planning for review and Planning Commission approval prior to the issuance of  
845 any occupancy permits.  
846 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan  
847 including depictions of light spread and intensity diagrams, and fixture and  
848 specifications and mounting height details shall be submitted for Department of  
849 Planning review and Planning Commission approval.  
850 24. Outside storage shall not be permitted.  
851 25. **DELETED AND REPLACED** - ~~A 35-foot planting strip to preclude ingress or~~  
852 ~~egress along the south side of W. Broad Street shall be shown on the approved~~  
853 ~~plans. The details shall be included with the required landscape plans for review~~  
854 ~~and approval. The certification of building permits, occupancy permits and~~  
855 **change of occupancy permits for individual units shall be based on the**  
856 **number of parking spaces required for the proposed uses and the amount**  
857 **of parking available according to approved plans.**  
858 26. The proffers approved as a part of zoning case C-11C-06 shall be incorporated in  
859 this approval.



- 860 ~~27. **DELETE – DUPLICATE** – The certification of building permits, occupancy permits~~  
861 ~~and change of occupancy permits for individual units shall be based on the~~  
862 ~~number of parking spaces required for the proposed uses and the amount of~~  
863 ~~parking available according to approved plans.~~
- 864 28. Evidence of a joint ingress/egress and maintenance agreement must be  
865 submitted to the Department of Planning and approved prior to issuance of a  
866 certificate of occupancy for this development.
- 867 29. The easements for drainage and utilities as shown on approved plans shall be  
868 granted to the County in a form acceptable to the County Attorney prior to any  
869 occupancy permits being issued. The easement plats and any other required  
870 information shall be submitted to the County Real Property Agent at least sixty  
871 (60) days prior to requesting occupancy permits.
- 872 30. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall  
873 be approved by the Virginia Department of Transportation and the County.
- 874 31. A notice of completion form, certifying that the requirements of the Virginia  
875 Department of Transportation entrances permit have been completed, shall be  
876 submitted to the Department of Planning prior to any occupancy permits being  
877 issued.
- 878 32. The developer shall provide fire hydrants as required by the Department of Public  
879 Utilities and Division of Fire.
- 880 33. Any necessary off-site drainage and/or water and sewer easements must be  
881 obtained in a form acceptable to the County Attorney prior to final approval of the  
882 construction plans.
- 883 34. Deviations from County standards for pavement, curb or curb and gutter design  
884 shall be approved by the County Engineer prior to final approval of the  
885 construction plans by the Department of Public Works.
- 886 35. Insurance Services Office (ISO) calculations must be included with the plans and  
887 contracts and must be approved by the Department of Public Utilities prior to the  
888 issuance of a building permit.
- 889 36. Approval of the construction plans by the Department of Public Works does not  
890 establish the curb and gutter elevations along the Virginia Department of  
891 Transportation maintained right-of-way. The elevations will be set by the  
892 contractor and approved by the Virginia Department of Transportation.
- 893 37. The location of all existing and proposed utility and mechanical equipment  
894 (including HVAC units, electric meters, junction and accessory boxes,  
895 transformers, and generators) shall be identified on the landscape plans. All  
896 equipment shall be screened by such measures as determined appropriate by  
897 the Director of Planning or the Planning Commission at the time of plan approval.

898 **PLAN OF DEVELOPMENT**

899

POD-23-07  
Bank of Virginia –  
Patterson Avenue and  
Otlyn Road

**Bryan W. Stevenson for Bank of Virginia and Kenneth C. Magalis:** 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, 4,498 square foot bank. The 1.32-acre site is located on the southwest corner of the intersection of Patterson Avenue and Otlyn Road on parcel 742-741-5389. The zoning is O-2 Office District. County water and sewer. **(Tuckahoe)**

900

901 Mr. Branin - Is anyone in opposition to POD-23-07, Bank of Virginia,  
902 Patterson Avenue and Otlyn Road? No one?

903

904 Mr. Garrison - Bank of Virginia is requesting approval of a one-story,  
905 approximately 4500-square-foot bank along Patterson Avenue. The building is  
906 constructed entirely of brick. A wood fence screens the super cans and the HVAC at the  
907 rear of the building. The applicant had expressed opposition to constructing a sidewalk  
908 along Patterson Avenue and Otlyn Road; however, after meeting with staff and the  
909 Tuckahoe representative, the applicant has agreed to build a sidewalk along the Bank  
910 of Virginia's entire frontage and continue it approximately 35 feet west to Post Office  
911 Drive. Additionally, the applicant has agreed to issue a Letter of Credit for the  
912 construction of a sidewalk along Otlyn Road when the adjacent parcel to the south is  
913 developed. I would like to note there's a typo; that should be to the south and not to the  
914 north of this parcel. Staff recommends approval subject to the annotations on the plans,  
915 the standard conditions for developments of this type, conditions 9 and 11 amended,  
916 and the added conditions on page 5 of your addendum. Staff and representatives of the  
917 applicant are available to answer any questions that you may have.

918

919 Mr. Branin - Thank you, Mr. Garrison. Does anybody have any questions  
920 for Mr. Garrison?

921

922 Mr. Silber - Mr. Garrison, the correction you've made, was that related to  
923 condition #24?

924

925 Mr. Garrison - Excuse me?

926

927 Mrs. Jones - It's 36.

928

929 Mr. Silber - Thirty-six.

930

931 Mr. Garrison - Yes.

932

933 Mrs. Jones - The parcel that will be developed is to the south of this  
934 parcel.

935 Mr. Silber - Thank you.

936  
937 Mrs. Jones - I have a question. Mr. Garrison, we were discussing the  
938 deletion of condition #25, "Outside storage shall not be permitted."  
939  
940 Mr. Garrison – Yes.  
941  
942 Mrs. Jones - I'm not sure I understand why that is not acceptable.  
943  
944 Mr. Garrison - Typically, banks don't require any outside storage, so we  
945 usually don't put that on banks. It's more for retail sites.  
946  
947 Mrs. Jones - I wonder in this day and age of PODS and other things  
948 whether that might not be a helpful addition. Mr. Silber, is that traditionally not done for  
949 banks or would you find it helpful to have that as part of this case?  
950  
951 Mr. Silber - I certainly think it wouldn't do any harm by having it.  
952 Typically, I don't think it's has it been a problem with banks, but I see no harm in adding  
953 it as a condition. If that's what your preference is—  
954  
955 Mrs. Jones - I would rather have it there than not. If we could just add  
956 that as #37.  
957  
958 Mr. Silber - We certainly can.  
959  
960 Mrs. Jones - The Commission has in front of them the new color  
961 renderings of the Bank of Virginia. It will be a very welcoming building, a very attractive  
962 building and I look forward to their services for the community there. Because it is a  
963 community-oriented business, the sidewalks did become an issue. The residential  
964 density in that area has driven our concerns about that. I'd like to discuss the Letter of  
965 Credit for the continuation of the sidewalk on Otlyn in terms of Traffic's concerns. Do  
966 you have any comments to make before we ask Mike Jennings to come up here and  
967 discuss the concerns that you mentioned to me?  
968  
969 Mr. Garrison - No. Mike Jennings or Ken Magalis is here to answer any  
970 questions as well.  
971  
972 Mrs. Jones - I know Traffic has some concerns about waiting to do that,  
973 so I'd like to have those expressed. Then if Mr. Magalis could respond.  
974  
975 Mr. Jennings - Good morning. I'm Mike Jennings, traffic engineer for  
976 Henrico County.  
977  
978 Mr. Branin - Good morning, Mr. Jennings, how are you?  
979  
980 Mr. Jennings - Good, thank you. My concern was not waiting. It was  
981 originally presented to me as an escrow and my concern was that Public Works does

982 not take an escrow on a sidewalk for a road that's not on the major thoroughfare plan,  
983 that sometime in the future we don't have planned road improvements. If you wanted to  
984 put a condition to have them put the sidewalk in at a later date, that's fine. This  
985 morning, I thought it was asked if Public Works would like to take an escrow for the  
986 sidewalk.

987  
988 Mrs. Jones - I see.

989  
990 Mr. Jennings - That was my concern.

991  
992 Mrs. Jones - I see. So, basically, a Letter of Credit to make this sidewalk  
993 happen when that parcel to the south is developed is really not objectionable to Traffic.

994  
995 Mr. Jennings - No. Public Works didn't want to take an escrow in for the  
996 sidewalk, but if you put a condition or a Letter of Credit, then that would be fine.

997  
998 Mrs. Jones - Thank you.

999  
1000 Mr. Jernigan - Mrs. Jones, I want to ask the secretary something. I know  
1001 what you're doing on your PODS, but in O-2, can you have outside storage in the  
1002 ordinance?

1003  
1004 Mr. Silber - No, it's not permitted by code, but what's happening at some  
1005 of these sites is if the bank renovates, or for any number of reasons, they could put a  
1006 temporary storage trailer out front. This would prohibit that from happening. I can see  
1007 where Mrs. Jones is coming from.

1008  
1009 Mr. Jernigan - Okay. They are not going to store anything from the bank ...

1010  
1011 Mr. Silber - No.

1012  
1013 Mr. Jernigan - ..... because that's highly confidential.

1014  
1015 Mr. Silber - Well, that's true.

1016  
1017 Mr. Jernigan - We don't want banks getting storage bins out there.

1018  
1019 Mr. Vanarsdall - A bank wouldn't normally have outside storage anyway  
1020 unless it was something temporary.

1021  
1022 Mr. Jernigan - You're doing it basically for—

1023  
1024 Mrs. Jones - Aesthetics as well.

1025  
1026 Mr. Jernigan - But if they had a trailer or they were doing renovation.

1027

1028 Mr. Silber - I would think about the only time they would want to have  
1029 anything stored outside would be a temporary reconstruction or renovation of the bank.  
1030

1031 Mrs. Jones - Do you recommend this condition not be included?  
1032

1033 Mr. Jernigan - I'm just thinking about future cases. If this is something that  
1034 we want to do, then we need to put it as part of the conditions already. Normally, a  
1035 bank is not going to have a POD sitting out there for advertisement because, first of all,  
1036 they don't have the space.  
1037

1038 Mr. Silber - I would think next time another bank comes up, staff  
1039 probably would not be recommending this type of condition. It's really up to Mrs. Jones,  
1040 but it's not a real concern of staff. They could have some type of temporary outside  
1041 storage. This would prohibit that. Do I think there's a serious concern? No, I don't. Do  
1042 I think this condition would cause any problem? No. It's a condition that wouldn't  
1043 necessarily cause any problems in the future either, so I think it's entirely up to the  
1044 Commission on how they want to handle this.  
1045

1046 Mrs. Jones - Okay.  
1047

1048 Mr. Jernigan - Whatever you want to do.  
1049

1050 Mrs. Jones - Thank you. I'd like Mr. Magalis to come and answer a  
1051 question or two, if I could.  
1052

1053 Mr. Magalis - Good morning, Mr. Chairman, members of the Commission.  
1054

1055 Mrs. Jones - Good morning.  
1056

1057 Mr. Magalis - My name is Kenneth Magalis and I'm the architect and  
1058 bank's representative for the project. I'd be happy to answer any questions you might  
1059 have.  
1060

1061 Mrs. Jones - I wanted to revisit the sidewalk issue simply because we had  
1062 a very nice meeting about this yesterday and I want to make sure that we're doing the  
1063 best that we can for both of us here. I know you've had discussions with your client  
1064 since we talked. Could this continuation of the sidewalk be built now and just avoid all  
1065 of the Letter of Credit situation and all that?  
1066

1067 Mr. Magalis - I guess first of all, the reason the bank objected to the  
1068 sidewalks in the beginning was that we thought we were restricted to just constructing it  
1069 on our property, there would be a gap along Patterson Avenue and it wouldn't tie into  
1070 the post office's main entrance drive off Patterson. We cleared that up yesterday and  
1071 found that yes, we could extend it that far by way of the right-of-way. Otlyn, however, is  
1072 a little bit different in that there is no sidewalk approaching from the south parcel that is  
1073 currently vacant. We have grading issues with our parking lot and so forth that we were

1074 looking at. I even went out yesterday afternoon after we had our meeting yesterday  
1075 morning and it's a little difficult to tie into that adjacent parcel without some  
1076 embankments at the end of the sidewalk and so forth. It would be a dead-end sidewalk.  
1077 I did discuss these issues with the bank. They are not objecting to the sidewalk being  
1078 put there eventually, it's just the question of timing and the fact that it would be tying into  
1079 anything other than an embankment. They felt like the Letter of Credit would be  
1080 sufficient to ensure that yes, that sidewalk will be built. They even entertained the idea  
1081 that as we modify our plans and get our final construction documents together, that we  
1082 look at the possibility of putting in the sidewalk. It's just we haven't had the time since  
1083 yesterday to really engineer that. It's quite likely that, before all is said and done, they  
1084 will elect to proceed with that sidewalk as well. I just haven't been able to get a 100%  
1085 clarification on that yet.

1086  
1087 Mrs. Jones - Okay.

1088  
1089 Mr. Magalis - We felt like the Letter of Credit would serve as a temporary  
1090 stopgap until we can examine that, if that's permissible.

1091  
1092 Mr. Vanarsdall - What was the objection to the sidewalk?

1093  
1094 Mr. Magalis - Beg your pardon?

1095  
1096 Mr. Vanarsdall - What was the objection to the sidewalk? It just didn't go  
1097 anywhere?

1098  
1099 Mr. Magalis - Some of these sidewalks just go up to a property line and  
1100 stop and then there's either a big culvert or a ditch.

1101  
1102 Mr. Vanarsdall - They don't go anywhere.

1103  
1104 Mr. Magalis - Originally, we were afraid that someone would walk down a  
1105 sidewalk in front of our property and where the post office is, there'd be a drop-off or  
1106 tripping point. Lawsuits are prevalent these days. We were just concerned that there  
1107 was a sidewalk going—

1108  
1109 Mrs. Jones - But that's been solved.

1110  
1111 Mr. Magalis - —without completion, but that is resolved now. Then we had  
1112 the concern on Otlyn where there's no sidewalk to the south of us yet, that we'd be  
1113 creating a sidewalk to nowhere and someone could step off the sidewalk out onto the  
1114 curb and it would be our fault that we hadn't extended it all the way up to the  
1115 apartments.

1116  
1117 Mrs. Jones - I appreciate your visiting this issue. I think a decision can be  
1118 made as the site is engineered and the grading done and the plans are finalized. I think  
1119 we have to make sure that we do understand it will built, if not now—which may turn out



1166 Mr. Silber - I guess my first recommendation would be that they offer a  
1167 Letter of Credit for two years and at the end of two years, they construct the sidewalk. If  
1168 not that, then they come back and have the Planning Commission reconsider this, see  
1169 where we are in two years and visit this again.  
1170  
1171 Mrs. Jones - Would having the two-year Letter of Credit and then  
1172 constructing the sidewalk be acceptable to you?  
1173  
1174 Mr. Magalis - It's quite possible we may just go ahead with the sidewalk. I  
1175 wish I could answer that. If you feel strongly about that, the two-year period would give  
1176 them time. I would think that site will develop to the back fairly quickly once we're there.  
1177 I think we could agree to that.  
1178  
1179 Mrs. Jones - All right.  
1180  
1181 Mr. Vanarsdall - It's kind of a safety valve. It's the only thing we can do right  
1182 now.  
1183  
1184 Mrs. Jones - We'll have to reword #36.  
1185  
1186 Mr. Silber - That's correct.  
1187  
1188 Mrs. Jones - Thank you very much, Mr. Magalis. I appreciate your  
1189 willingness to work with us on this.  
1190  
1191 Mr. Magalis - Thank you.  
1192  
1193 Mrs. Jones - Let's reword #36 to say—  
1194  
1195 Mr. Silber - Would you like staff to write up a condition for us?  
1196  
1197 Ms. News - I think we could say, "Prior to the issuance of a certificate of  
1198 occupancy for this building, the sidewalks along Otlyn shall be constructed or a Letter of  
1199 Credit shall be posted to provide for the construction of the sidewalk, which should be  
1200 constructed within two years of the date," or something like that.  
1201  
1202 Mr. Silber - Mrs. Jones, if you would give us the liberty to work that  
1203 condition out—  
1204  
1205 Mrs. Jones - Yes.  
1206  
1207 Mr. Silber - —when we have more time to think about it. I think we  
1208 understand what you want.  
1209 Mrs. Jones - The understanding is clear.  
1210



1211 Mr. Silber - As long as the Commission understands the direction that  
1212 we're heading, we can draft it up in the final approval.

1213  
1214 Mrs. Jones - All right. With that, then, I am going to recommend approval  
1215 of POD-23-07, Bank of Virginia, Patterson Avenue and Otlyn Road, subject to the  
1216 annotations on the plans, standard conditions for developments of this type, 9 and 11  
1217 amended, and the following revised and added conditions 24 through 35 with 36 to be  
1218 revised in wording, and no condition 37.

1219  
1220 Mr. Vanarsdall - Second.

1221  
1222 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr. Vanarsdall. All  
1223 in favor say aye. All opposed say no. The ayes have it. The motion carries.

1224  
1225 The Planning Commission approved POD-23-07, Bank of Virginia at Patterson Avenue  
1226 and Otlyn Road, subject to the annotations on the plans, the standard conditions  
1227 attached to these minutes for developments of this type, and the following additional  
1228 conditions:

- 1229  
1230 24. A concrete sidewalk meeting County standards shall be provided along the south  
1231 side of Patterson Avenue (State Route 6).  
1232 25. **DELETED & REPLACED** - ~~Outside storage shall not be permitted. The~~  
1233 **easements for drainage and utilities as shown on approved plans shall be**  
1234 **granted to the County in a form acceptable to the County Attorney prior to**  
1235 **any occupancy permits being issued. The easement plats and any other**  
1236 **required information shall be submitted to the County Real Property Agent**  
1237 **at least sixty (60) days prior to requesting occupancy permits.**  
1238 26. **DELETED & REPLACED** - ~~A15-foot planting strip to preclude ingress or egress~~  
1239 ~~along the south side of Patterson Avenue shall be shown on the approved plans.~~  
1240 ~~The details shall be included with the required landscape plans for review and~~  
1241 ~~approval. The entrances and drainage facilities on (State Route) shall be~~  
1242 **approved by the Virginia Department of Transportation and the County.**  
1243 27. In the event of any traffic backup which blocks the public right-of-way as a result of  
1244 congestion caused by the drive-up teller facilities, the owner/occupant shall close  
1245 the drive-up teller facilities until a solution can be designed to prevent traffic  
1246 backup.  
1247 28. A notice of completion form, certifying that the requirements of the Virginia  
1248 Department of Transportation entrances permit have been completed, shall be  
1249 submitted to the Department of Planning prior to any occupancy permits being  
1250 issued.  
1251 29. The developer shall provide fire hydrants as required by the Department of Public  
1252 Utilities and Division of Fire.  
1253 30. Any necessary off-site drainage and/or water and sewer easements must be  
1254 obtained in a form acceptable to the County Attorney prior to final approval of the  
1255 construction plans.  
1256 31. Deviations from County standards for pavement, curb or curb and gutter design

- 1257 shall be approved by the County Engineer prior to final approval of the construction  
1258 plans by the Department of Public Works.
- 1259 32. Insurance Services Office (ISO) calculations must be included with the plans and  
1260 contracts and must be approved by the Department of Public Utilities prior to the  
1261 issuance of a building permit.
- 1262 33. Approval of the construction plans by the Department of Public Works does not  
1263 establish the curb and gutter elevations along the Henrico County maintained  
1264 right-of-way. The elevations will be set by Henrico County.
- 1265 34. Approval of the construction plans by the Department of Public Works does not  
1266 establish the curb and gutter elevations along the Virginia Department of  
1267 Transportation maintained right-of-way. The elevations will be set by the  
1268 contractor and approved by the Virginia Department of Transportation.
- 1269 35. The location of all existing and proposed utility and mechanical equipment  
1270 (including HVAC units, electric meters, junction and accessory boxes,  
1271 transformers, and generators) shall be identified on the landscape plans. All  
1272 equipment shall be screened by such measures as determined appropriate by  
1273 the Director of Planning or the Planning Commission at the time of plan approval.
- 1274 36. ~~REVISED - Prior to issuance of a certificate of occupancy for this building, a~~  
1275 ~~bond shall be posted to provide for the construction of a sidewalk meeting~~  
1276 ~~County standards along Otlyn Road when the adjacent parcel to the north is~~  
1277 ~~developed.~~  
1278 **Prior to issuance of a certificate of occupancy for this building, a sidewalk**  
1279 **meeting County standards shall be constructed along Otlyn Road, or a**  
1280 **bond shall be posted to provide for construction of the sidewalk. In any**  
1281 **event, the sidewalk shall be constructed either when the adjacent parcel to**  
1282 **the south is developed, or within two years of the issuance of the**  
1283 **certificate of occupancy for this building, whichever occurs first.**

1284  
1285 Mr. Branin - I see Mr. Strauss is back in the room, if we can go back up  
1286 now to LP/POD-9-06.

1287  
1288 **CONTINUATION FROM PAGE 18 CASE LP/POD-9-06, STAPLES MILL SQUARE**  
1289 **SHOPPING CENTER – STAPLES MILL ROAD.**

1290  
1291 Mr. Branin - Mr. Strauss, how are you sir?

1292  
1293 Mr. Strauss - Very good, thank you. You may have seen that we had a  
1294 considerable number of people from the adjacent Lakeland Townes development.

1295  
1296 Mr. Branin - I'm going to ask the question again because I have to. Is  
1297 anyone in opposition to LP/POD-9-06? Yes. Okay. Mr. Silber, will you explain the rules  
1298 of engagement with opposition.

1299  
1300 Mr. Silber - Yes, I'd be happy to. Planning Commission rules and  
1301 regulations stipulate that the applicant has 10 minutes to present their case. Some of  
1302 that time can be saved for rebuttal. The opposition has a total of 10 minutes to present

1303 their case. If the Planning Commission is asking any questions of the applicant or the  
1304 opposition, that is not a part of the 10-minute period. We do try to limit this to  
1305 approximately 10 minutes so we can move through the plans.  
1306

1307 Mr. Branin - Thank you, sir. With that, Mr. Strauss?  
1308

1309 Mr. Strauss - Okay. We've handed out a landscape plan that the applicant  
1310 has agreed to, that addresses the planting issues with respect to the project. What we  
1311 have a disagreement about is the fence behind this project. This was a rezoning case  
1312 and the proffers are pretty clear. We have to have a six-foot chain link fence for this  
1313 project. The neighbors would like a board-on-board fence for screening purposes. Our  
1314 hands are tied at the staff level with the proffer. So, what we've suggested is that we  
1315 approve the landscaping plan today and defer the fence portion of the plan for 30 days.  
1316 That would give Mr. Marchetti a chance to do the calculations necessary for a board-on-  
1317 board on fence to see if that's possible. In the meantime, we could take advantage of  
1318 the planting season and get the planting started. With that in the ground, maybe the  
1319 neighbors could take another look at it and reconsider the fence, if that's possible. So,  
1320 with that, staff is recommending approval of the annotated landscape plan we just  
1321 handed out, and recommending a deferral of the fence plan for 30 days. I'll be happy to  
1322 answer questions.  
1323

1324 Mr. Branin - Mr. Vanarsdall, are you comfortable with that?  
1325

1326 Mr. Vanarsdall - Very much. That'll be fine. Karen, and president and board  
1327 members Lisa and Judy, are you all in agreement with us approving the landscaping  
1328 and deferring the fence?  
1329

1330 Ms. Baldwin - [Off mike.] I am. I would like to just—  
1331

1332 Mr. Branin - Please come forward and state your name, ma'am.  
1333

1334 Mr. Vanarsdall - State your name.  
1335

1336 Ms. Baldwin - My name is Karen Baldwin and I live on Silverbush Drive,  
1337 which directly backs up to that property. We circulated a petition yesterday and got 52  
1338 signatures that would support the vinyl fence, the privacy fence, and we gave a copy of  
1339 that to Mr. Strauss. I just want to make sure that that's entered into the record, I guess,  
1340 as far as our preferences go. Mr. Strauss does have a copy of that petition. We can  
1341 get additional signatures; we were just a little short on time.

1342 Mr. Branin - Ma'am, I'll ask the question again, are you in opposition of  
1343 the landscape plan, or are any of you in opposition to the landscape plan? The reason  
1344 I'm asking is if we're going to pull the fence out and go forward with the landscape and  
1345 you're not in opposition to that—  
1346

1347 Ms. Baldwin - We're not in opposition to the landscape.  
1348

1349 Mr. Branin - All right.  
1350  
1351 Mr. Silber - Mr. Strauss, what does the proffer condition say relative to  
1352 the fence?  
1353  
1354 Mr. Vanarsdall - It's a black chain link fence.  
1355  
1356 Mr. Strauss - "There shall be installed along the entire length of the  
1357 southern property line of such buffer," that's the buffer in the back, "a six-foot tall black  
1358 vinyl-coated chain link fence."  
1359  
1360 Mr. Silber - The neighborhood is interested in a board-on-board privacy  
1361 fence that will be in violation of a proffer condition. If the applicant is willing to provide a  
1362 privacy fence, that would require a proffer amendment, which would require an  
1363 application and a hearing for the Planning Commission or the Board of Supervisors.  
1364 You're probably talking about three to four months. Deferring this for one month I guess  
1365 allows some discussion and debate as to whether a chain link would work. My concern  
1366 is if we come back in a month, the applicant would not be able to bring forward a board-  
1367 on-board fence because that would be in violation of the proffer condition.  
1368  
1369 Mr. Jernigan - I have a question.  
1370  
1371 Mr. Vanarsdall - I'd rather face it at the end of 30 days. A lot of things can  
1372 happen between now and then.  
1373  
1374 Mr. Silber - Okay.  
1375  
1376 Mr. Vanarsdall - I understand what you're saying, Mr. Secretary, and I  
1377 appreciate it. We had talked about that yesterday. I addressed that with Karen this  
1378 morning.  
1379  
1380 Mr. Silber - Okay.  
1381  
1382 Mr. Jernigan - Can you upgrade a fence without a proffer change? In other  
1383 words, if you had a building that was proffered to be 50% brick and you want to do it all  
1384 brick, we wouldn't come back for that.  
1385  
1386 Mr. Silber - I think we'd have to make a—  
1387 Mr. Vanarsdall - You're right, Mr. Jernigan. Some people may consider the  
1388 privacy fence upgraded if you put in a chain link originally. I guess we'd have to make a  
1389 decision as to if this is.  
1390  
1391 Mr. Jernigan - If it showed a chain link fence and they wanted to put a brick  
1392 wall back there, you wouldn't have any problems.  
1393

1394 Mr. Silber - I think we'd have to read the proffer and make some  
1395 interpretation.  
1396  
1397 Mr. Vanarsdall - That's the reason I want to go ahead—  
1398  
1399 Mr. Archer - I guess it depends on how good the subject of the proffer is,  
1400 right, and the proffer specifically says a chain link fence.  
1401  
1402 Mr. Vanarsdall - Right, and the color black.  
1403  
1404 Mr. Jernigan - Generally, proffers are put in to make sure that a certain  
1405 quality is met.  
1406  
1407 Mr. Vanarsdall - The fence in this particular case is for safety more than  
1408 anything else because of people walking from the shopping center into the Lakeland  
1409 Townes area. A fence is always a good safety net. I had an individual call and tell me  
1410 one time that he didn't want that fence, he wanted something he could look through.  
1411 We took care of that. Maintenance went out and cut a hole in the fence.  
1412  
1413 Mr. Branin - Thank you, Mr. Vanarsdall. Okay. I'm going to change  
1414 directions a little bit. Is anyone in opposition to the landscape plan? If you are, please  
1415 raise your hand. If not, we're going to proceed forward with that. Okay. All right. Mr.  
1416 Vanarsdall.  
1417  
1418 Mr. Vanarsdall - Well, I would like to defer the fence. Is that out of question?  
1419  
1420 Mr. Branin - No sir. You can make your motion for the landscape and  
1421 then make a motion for the deferral.  
1422  
1423 Mr. Vanarsdall - I move that the landscape plan only be approved on  
1424 LP/POD-9-06, Staples Mill Square, with the annotations on the plans. I want to defer  
1425 the fence that is on the case for 30 days, which would be the 23<sup>rd</sup> of May.  
1426  
1427 Mr. Silber - May 23<sup>rd</sup>, yes sir.  
1428  
1429 Mr. Jernigan - Second.  
1430  
1431 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan.  
1432 All in favor say aye. All opposed say no. The ayes have it. The motion carries.  
1433 Mr. Vanarsdall - I appreciate you all coming and giving us some input on it.  
1434  
1435 The Planning Commission approved the landscape portion only of LP/POD-9-06,  
1436 Staples Mill Square, subject to the standard conditions attached to these minutes for  
1437 landscape and lighting plans.  
1438

1439 The Planning Commission deferred the fence portion only of LP/POD-9-06, Staples Mill  
1440 Square, to its May 23, 2007 meeting.

1441

1442 **PLAN OF DEVELOPMENT**

1443

POD-24-07 **Balzer & Associates, Inc. for Short Pump Town Center, LLC and Brewer Development, LLC:** Request for Brewer Retail – approval of a plan of development as required by Chapter Short Pump Town Center (POD-6-01 Revised) 24, Section, 24-106 of the Henrico County Code, to construct a one-story, 4,457 square foot, retail/restaurant building in an existing shopping center. The 2.54-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 230 feet west of its intersection with Spring Oak Drive, on parcel 738-762-5667. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Three Chopt)**

1444

1445 Mr. Branin - Is anyone in opposition to POD-24-07, Brewer Retail? No  
1446 one? Mr. Wilhite.

1447

1448 Mr. Wilhite - Good morning Mr. Chairman and Commission members.

1449

1450 Mr. Jernigan - Good morning.

1451

1452 Mrs. Jones - Good morning.

1453

1454 Mr. Wilhite - This site is an outparcel in Short Pump Town Center. It's  
1455 located directly behind Chili's at the corner of West Broad Street and Spring Oak Drive,  
1456 the access road. Staff had requested a revised site plan and architectural plans. They  
1457 have just been handed out to you. The revised site plan was necessary because staff  
1458 requested that the drive-thru for the Starbuck's drive-thru window have a bypass lane.  
1459 That's been added to the plan. This caused the need to shift the building slightly and  
1460 rearrange the parking on the site in order to make that work. Staff has one annotation  
1461 on the plan that's requiring a raised four-foot wide minimum landscape island between  
1462 the drive-thru lane and the 24-foot-wide access drive on the west side of the building.  
1463 On the architectural plans before you, staff had requested the applicant go with a more  
1464 cohesive design with brick being predominantly used, as we have done with the other  
1465 outparcels along W. Broad Street at Short Pump Town Center. The revised plan does  
1466 meet this requirement. Staff had one remaining concern regarding the rear elevation of  
1467 the façade. This is right next to the ring road. We asked them to do some more  
1468 architectural detailing in the back. The solution that was proposed is that they would  
1469 add a faux window treatment to match the aluminum storefront windows on the other  
1470 facades of the building. Staff finds this acceptable and we are in a position to  
1471 recommend approval of the revised site plan and architectural plans.

1472



(April 2007 Plan)  
Cedar Fork Road across  
from VEPCO station

**Emerald Land Development, LLC:** The 17.87-acre site proposed for a subdivision of 38 single-family homes is located at 212 Cedar Fork Road and 146 Cedar Fork Road on parcels 812-726-0522 and 811-725-7591. The zoning is R-4AC, One-Family Residence District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Fairfield) 38 Lots.**

1517

1518 Mr. Branin – Is anyone in opposition to SUB-28-07, Parkwood Chase?  
1519 None? Okay.

1520

1521 Mr. Kennedy - Good morning members of the Commission. The applicant  
1522 is requesting three lots that will be “through” lots and have double frontage on minor  
1523 roads, so an exception is required. The three lots are lots 28, 23, and 24. Lot 28 has  
1524 50 feet of frontage on Cedar Fork Road, which is insufficient for lot width and does not  
1525 provide sufficient right-of-way for a street. Lots 23 and 24 have a Dominion Virginia  
1526 Power Transmission easement going across that portion of the lots, so it’s impossible  
1527 put a road through there as well. There are extenuating circumstances for this.

1528

1529 When this property was originally zoned in 1994, the portion of Cedar Fork Road was a  
1530 major thoroughfare road. It was subsequently taken off by a major thoroughfare  
1531 amendment. Historically, there’s some basis for this exception as well.

1532

1533 There is a revision to condition #15 in the addendum that would provide for a 35-foot  
1534 landscape setback along Cedar Fork Road as opposed to 20 feet. The 35 feet would be  
1535 the front yard setback for the adjoining homes and that will prevent someone from  
1536 putting a shed or some storage in front of those homes in that area. It would also  
1537 prevent a fence from being put in that area.

1538

1539 With that, staff can recommend approval of the exception in the subdivision.

1540

1541 Mr. Branin - Thank you. Does anybody have any questions?

1542

1543 Mr. Silber - I do have one question, Mr. Kennedy. On either side of lot  
1544 28, there are existing homes.

1545

1546 Mr. Kennedy - Yes.

1547

1548 Mr. Silber - Do we know for a fact that they’re set back 35 feet, or is that  
1549 the minimum setback requirement?

1550

1551 Mr. Kennedy - That’s the minimum setback requirement for the district.  
1552 They are set back approximately that distance.

1553



1554 Mr. Silber - I guess my question is do we think that 35 feet is adequate  
1555 for lot 28, or should that be a greater distance? I can understand where you're coming  
1556 from on lots 23 and 24, but are we adequate with 35 feet on lot 28?  
1557  
1558 Mr. Kennedy - When staff looked at it, it looked like it was adequate.  
1559  
1560 Mr. Silber - Okay.  
1561  
1562 Mr. Kennedy - We didn't survey the setback. It appeared sufficient from  
1563 what we could tell from the scale.  
1564  
1565 Mr. Branin - Does anybody have any other questions for Mr. Kennedy?  
1566  
1567 Mr. Archer - I don't have any questions, but I just wanted to make a  
1568 couple comments in case we need clarification. The conditions on here are pretty strong  
1569 and I guess it's up to applicant to be able answer those conditions. It's comforting to  
1570 know that in the revision to #15, the Commission has the authority to regulate the type  
1571 of planting that's going to be approved by staff before they can just plant anything. In  
1572 talking with Mr. Kennedy yesterday, I don't see a lot else we can do with this. Unless  
1573 somebody else has any questions, I don't have any more.  
1574  
1575 Mr. Branin - Mr. Archer, do you have any questions for the applicant?  
1576  
1577 Mr. Archer - No.  
1578  
1579 Mr. Branin - Okay.  
1580  
1581 Mr. Archer - As noted in the staff report, we don't need a separate motion  
1582 for the exception. I will acknowledge in my motion that the exception is required. With  
1583 that, I will move for approval of SUB-28-07, Parkwood Chase (April 2007 Plan), subject  
1584 to the standard conditions for a subdivision of this type, the annotations on the staff  
1585 plan, and conditions 12 through 18, with the revised condition #15 in the addendum.  
1586  
1587 Mr. Jernigan - Second.  
1588  
1589 Mr. Branin - Motion by Mr. Archer, seconded by Mr. Jernigan. All in favor  
1590 say aye. All opposed say no. The ayes have it. The motion carries.  
1591  
1592 The Planning Commission granted conditional approval to subdivision Parkwood Chase  
1593 (April 2007 Plan) subject to the standard conditions attached to these minutes for  
1594 subdivisions served by public utilities, the annotations on the plans, and the following  
1595 additional conditions:  
1596  
1597 12. Prior to requesting recordation, the developer shall furnish a letter from Dominion  
1598 Virginia Power stating that this proposed development does not conflict with its  
1599 facilities.

- 1600 13. Each lot shall contain at least 7,750 square feet, exclusive of the flood plain  
1601 areas.
- 1602 14. The limits and elevation of the 100-year frequency flood shall be conspicuously  
1603 noted on the plat and construction plans and labeled "Limits of 100-year  
1604 floodplain." Dedicate floodplain as a "Variable Width Drainage & Utilities  
1605 Easement."
- 1606 15. **REVISED** - The detailed plant list and specifications for the landscaping to be  
1607 provided within the ~~20~~ **35**-foot-wide planting strip easement along Cedar Fork Road  
1608 abutting lots 23, 24 and 28 shall be submitted to the Department of Planning for  
1609 review and approval prior to recordation of the plat. **A covenant shall be recorded  
1610 prior to recordation of the plat which shall provide that no fence shall be  
1611 constructed in the front yard along Cedar Fork Road without specific  
1612 approval by the Planning Commission.**
- 1613 16. Any necessary offsite drainage easements must be obtained prior to approval of  
1614 the construction plan by the Department of Public Works.
- 1615 17. The proffers approved as part of zoning case C-38C-94 shall be incorporated in  
1616 this approval.
- 1617 18. Any future building lot containing a BMP, sediment basin or trap and located  
1618 within the buildable area for a principal structure or accessory structure, may be  
1619 developed with engineered fill. All material shall be deposited and compacted in  
1620 accordance with the Virginia Uniform Statewide Building Code and geotechnical  
1621 guidelines established by a professional engineer. A detailed engineering report  
1622 shall be submitted for the review and approval by the Building Official prior to the  
1623 issuance of a building permit on the affected lot. A copy of the report and  
1624 recommendations shall be furnished to the Directors of Planning and Public  
1625 Works.  
1626

1627 **PLAN OF DEVELOPMENT – MASTER PLAN REVISION**

1628

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

**Timmons Group and Antunovich Associates for West Broad Village, LLS, West Broad Village II, LLC and Unicorp National Developments, Inc.:** Request for approval of a revised master plan for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct an urban mixed use development with a total of 526,400 square feet of commercial space, 688,000 square feet of office space, 430 hotel rooms with conference space, 545 townhouse units, 339 multi-family units, a 9,234 square foot community clubhouse and 6,334 parking spaces, surface and structured. In general, the proposed revision to the master plan would revise the layout of various commercial blocks, provide for additional structured parking in the future and adjust the alignment of the main commercial street (Old Brick Road). The 115.04-acre site is located along the south line of W. Broad Street (U. S. Route 250), the north line of Three Chopt Road, and the east line of the future John Rolfe Parkway on parcel 742-760-7866. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

1629

1630 Mr. Branin - Is anyone in opposition to POD-42-06, the Master Plan for  
1631 West Broad Village? No one? Mr. Kennedy, you're on again.

1632

1633 Mr. Kennedy - A revised master plan for West Broad Village has been  
1634 submitted by Unicorp, the developer of West Broad Village. The master plan primarily  
1635 consists of the previously approved master plan that was approved in October of 2006  
1636 by the Planning Commission. Basically, it's just been updated, tweaking the plan to  
1637 reflect the architectural plans that were previously approved, and to address a couple  
1638 minor changes that we've made. Each of you has been given the Architectural Concept  
1639 Book, which includes the master plan as currently proposed. I'm going to go over those  
1640 minor changes, but primarily, the major things have no changes. There is no change to  
1641 square footages, no change in density, and no change in the number of residential  
1642 units, although the distribution of those units has changed. In addition, the development  
1643 still maintains the relocation of Plantation Pipeline, which was a significant issue for the  
1644 neighborhood, and retains the redistribution of BMP's, making them more of amenities  
1645 and buffers for the neighborhood. Those primary conditions from the original master  
1646 plan are still in place.

1647

1648 This master plan update contemplates a couple changes in the block that abuts the  
1649 proposed hotel. These three buildings here are revised. Originally, those two smaller  
1650 buildings were against Broad Street and a larger building was against the neighborhood.

1651 What this does is reorient that block with the larger building against Broad Street and  
1652 the smaller bank-type building closer to the neighborhood. Staff believes it's an  
1653 appropriate change. It provides a better buffer, actually providing a sound wall from  
1654 Broad Street and the interchange to the neighborhood. It puts the major activity further  
1655 away from the residential homes on the other side of Old Brick Road.

1656  
1657 The second change has to do with vehicular access. Where Old Brick Road intersects  
1658 with Brownstone Boulevard here, this alignment has been changed. It's a smoother  
1659 alignment so that they directly connect as opposed to being offset. There's also an  
1660 intersection. Farther down here at the residential development here, this intersection  
1661 was a four-way intersection and it's now a three-way intersection. We've tied that off  
1662 with a cul-de-sac to the residential development and provided more parking there for the  
1663 community park. Basically, it gets rid of a weird intersection where you had a four-lane  
1664 road coming to several two-lane roads at an awkward angle. We feel this is a better  
1665 alignment.

1666  
1667 The final change has to do with parking. We've asked them to enhance the parking,  
1668 provide additional parking for A6 for future development of a parking deck up to four  
1669 stories to make sure we have adequate parking, and also to provide some additional  
1670 information on parking for the future hotel. They've done that as well.

1671  
1672 They've addressed all staff's comments with those revisions and we feel that the update  
1673 is appropriate and reflects the current plans that we have going forward. The buildings  
1674 in the block that are being changed will return to the Planning Commission for  
1675 architectural plan approval. There will be subsequent POD approval for the hotel and  
1676 the office building. There's no change it that; it's still 13 stories. The conditions from the  
1677 original Plan of Development approval carry forward.

1678  
1679 With that, staff can recommend approval.

1680  
1681 Mr. Branin - Mr. Kennedy, I appreciate staff taking the time. I know this is  
1682 a very large case to get your arms around and I appreciate, Randy, staff coming back  
1683 and getting everybody back on the same page and refocused and bringing us up-to-  
1684 date here at the Commission.

1685  
1686 Mr. Silber - I wanted to just elaborate on what Mr. Kennedy presented.  
1687 As your recall, when this property was rezoned a UMU, it required a provisional use  
1688 permit that was approval of the master plan. As they've made changes to this  
1689 development, which would be expected with a development of this size, we felt as  
1690 though it was time to bring the master plan back for the County's consideration. We  
1691 didn't think the changes were substantial enough to require them to re-file a provisional  
1692 use permit and go back through the process and the Planning Commission and the  
1693 Board of Supervisors, but we thought enough changes had been made that it was time  
1694 for another public introduction of this master plan, a revision and update of not only the  
1695 master plan, but the sketch pack and the pages associated with the different blocks  
1696 within this development. The applicant has had a meeting with the neighborhood and

1697 explained the changes to the master plan. I think this is a wonderful update of the  
1698 master plan. It brings it in compliance with what they have been approving with the  
1699 POD. The changes from this master plan in comparison to the original master plan that  
1700 was approved with the provisional use permit I think are significant and significant  
1701 improvements over what we originally approved. Staff is very pleased with the direction  
1702 of this project and the changes have been made in a very positive direction.  
1703

1704 Mr. Kennedy - I should note the sketch pack does include the beginnings of  
1705 a comprehensive sign package. With its approval, there will be four directory signs  
1706 approved. Three of them will be on Broad Street and the other one along John Rolfe  
1707 that will be no more than 10 feet high. The rest of the sign package has to be revised to  
1708 address some other staff concerns.  
1709

1710 Mr. Silber - The attached signage that's found in the sketch pack is not  
1711 part of this approval. That will have to be reviewed more carefully and in more detail  
1712 and approved at a later time. I know the applicant is here today. They have a  
1713 presentation if you'd like to see it, or they have some illustrations and exhibits if you  
1714 care to see those. If the Commission is comfortable with what's been presented, you  
1715 can move in whatever direction.  
1716

1717 Mr. Branin - Mr. Secretary, I'm probably more on top of this than the rest  
1718 of the Commissioners, so I don't need to see it, but I'll be happy for any of the other  
1719 Commissioners to see the presentation.  
1720

1721 Mrs. Jones - I'm okay.  
1722

1723 Mr. Branin - Okay. All right. Thanks again, Mr. Kennedy. That was a  
1724 mouthful. You did a heck of a job.  
1725

1726 Mr. Silber - Was there any opposition?  
1727

1728 Mr. Branin - No there wasn't. I'd like to move that POD-41-06, West  
1729 Broad Village, be approved with conditions 57 through 61, the revisions made to the  
1730 plans, and 59 revised.  
1731

1732 Mr. Jernigan - Second.  
1733

1734 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Jernigan. All in  
1735 favor say aye. All opposed say no. The ayes have it. The motion carries.  
1736

1737 The Planning Commission approved POD-42-06, West Broad Village Master Plan  
1738 Revision, subject to the annotations on the plans, the standard conditions attached to  
1739 these minutes for developments of this type, and the following additional conditions:  
1740

- 1741 57. The developer shall provide a declaration of covenants for maintenance of  
 1742 private streets and common areas for staff review and approval, prior to the  
 1743 issuance of any Certificate of Occupancy.
- 1744 58. The developer shall provide evidence of approval by the Federal Highway  
 1745 Administration prior to construction of the Fish Pond Road connection to W.  
 1746 Broad Street, within the limited access area for the I-64 interchange.
- 1747 59. **REVISED** - The comprehensive signage plan shall be revised ~~and resubmitted~~  
 1748 to comply with both the UMU and WBSO district requirements, **and resubmitted**  
 1749 for review and approval by the Director of Planning prior to requesting a  
 1750 Certificate of Occupancy. Each block along W. Broad Street and John Rolfe  
 1751 Parkway may have a single directory sign as shown in the current  
 1752 comprehensive sign plan, not exceeding 10-feet in height if located within the  
 1753 West Broad Street Overlay District Buffer.
- 1754 60. A recreational amenities and landscaping plan for the BMP Ponds and the  
 1755 Community Park shall be submitted for staff review and approval prior to the  
 1756 issuance of a Certificates of Occupancy for any dwelling use.
- 1757 61. A Certificate of Occupancy shall be issued for the Community Recreation Area or  
 1758 a performance bond posted with the County, prior to the issuance of a  
 1759 Certificates of Occupancy for any dwelling use.

1760  
 1761 Mr. Vanarsdall - Mr. Chairman, before you call the next case, I wanted to  
 1762 thank Jim Strauss and Leslie for this Staples Mill case. Jim was out and Leslie was on  
 1763 it, and then Jim followed it tremendously. He called me at home last night concerned  
 1764 about it, and called me at home again this morning. I had about a half a knot in my tie  
 1765 when the phone rang. I do appreciate all you did on it, Jim, and how you went out and  
 1766 worked with them.

1767  
 1768 Mr. Silber - Thank you, Mr. Vanarsdall. I appreciate that.

1769  
 1770 **SUBDIVISION (Deferred from the March 28, 2007 Meeting)**

1771  
 SUB-22-07 **Maxey-Hines & Associates, P.C. for Colmignoli, L.L.C.:**  
 Tredinnock Farm The 41.13-acre site proposed for a subdivision of 20 single-  
 (March 2007 Plan) family homes is located on the east line of Osborne  
 Hoke Brady Road and Turnpike, approximately 800 feet south of E. Chaffin Road  
 Osborne Turnpike and fronts Osborne Turnpike on parcel 807-676-9122. The  
 zoning is R-2A, One-Family Residence District. Individual  
 well, septic tank/drainfield and individual alternative  
 systems. **(Varina) 20 Lots**

1772  
 1773 Mr. Branin - Is there anyone in opposition to SUB-22-07, Tredinnock  
 1774 Farm (March 2007 Plan)? One, two.

1775  
 1776 [Off Mike] - [Unintelligible.]

1777  
 1778 Mr. Jernigan - Make sure you put some things in your record.

1779 Mr. Branin - I hear you. All right. Mr. Kennedy.

1780  
1781 Mr. Kennedy - Good morning again. Three in a row. An exception to  
1782 subdivision design standards will be required to permit the length of proposed  
1783 Tredinnock Lane to exceed 1320 feet. The proposed length was originally 3400 feet.  
1784 Since that time, they've provided two stubs, one to the Crittenden property and one  
1785 between these two lots here. That will reduce the block length to 1600 feet, which still  
1786 exceeds the 1320 required by code and therefore an exception is still required.

1787  
1788 On the plan there appears to be six through lots that connect to Hoke Brady Road.  
1789 Hoke Brady Road is a Park Service road; it's not really a public road. It's a private road  
1790 owned by the Park Service, so they're technically not through lots. However, there will  
1791 be the same no ingress/no egress landscape easements for those lots, typically that we  
1792 provide as one of the conditions of approval, that there will be no access to Hoke Brady  
1793 Road, at the request of the Park Service. They want to restrict as much access to their  
1794 park road as possible. Interconnectivity otherwise is prohibited to Hoke Brady Road  
1795 and is limited by Lucy Long Lane. The exception is recommended by staff.

1796  
1797 Mr. Jernigan, neighbors, and people from Varina Beautification had a lot of meetings  
1798 and discussions. There have been a lot of concerns primarily regarding buffers, road  
1799 design, and sanitary sewer design and drainage. The developer has volunteered  
1800 additional buffers that are not required by code. There will be a buffer along Osborne  
1801 and, like I said, along the Park Service. Given the rural nature of this area, curb and  
1802 gutter and sidewalks have been waived along Osborne Turnpike. Staff had originally  
1803 recommended as part of the exception a boulevard entrance and agreed with the  
1804 neighborhood that a regular rural entrance would be acceptable.

1805  
1806 The neighbors had expressed concern about the cedar row. If you're familiar with this  
1807 portion of Osborne Turnpike, this is where the cedar row is actually in the middle.  
1808 There's a median. There is a dead cedar that will be removed, but that will not affect  
1809 any existing cedars, so the existing cedar row will be maintained. A right-of-way for the  
1810 future would accommodate that cedar row. That's primarily the road concerns.

1811  
1812 As far as the septic systems, it's a fact that the soils in this area are poorly drained as  
1813 they are throughout Varina. Engineered systems will be required. They are subject to  
1814 State approval; we don't have any control over that. It will be enforced by the County  
1815 on behalf of the State. As far as the downstream drainage, there are existing drainage  
1816 problems and we will be finding a lot of drainage problems throughout the development  
1817 because of the nature of it being pretty flat and a lot of farm fields without a lot of  
1818 designed creeks to carry it downstream. Public Works has been on the site. We've had  
1819 several meetings with the adjoining property owners. It has been indicated by letter that  
1820 the downstream storm system is inadequate and that improvements will have to be  
1821 made as part of this. The developer has acknowledged that downstream  
1822 improvements will be necessary as part of the development.

1823

1824 Although those issues are not finally resolved, this is a preliminary conditional plan; it's  
1825 not a final construction plan. Those are conditions of approval. Staff can recommend  
1826 approval at this time.

1827  
1828 Mr. Branin - Okay. Does anybody have any other questions for Mr.  
1829 Kennedy? None?

1830  
1831 Mr. Jernigan - No, he's done a fine job on this.

1832  
1833 Mr. Branin - Would you like to come down and make some comments?  
1834 Just please state your name for the record.

1835  
1836 Ms. Koontz - My name is Jane Koontz. I live at 9184 Hoke Brady Road,  
1837 on the park road, adjacent to this property. I want to speak for the Varina Beautification  
1838 Committee. We realize that this is a terribly conceptual plan, conditional, nothing is  
1839 written in stone yet. We realize also this is a by-right case. In light of all this, we want to  
1840 commend Mr. Ray Jernigan, Mr. Mike Kennedy, and Mr. Jim Ransom, the developer,  
1841 for the remarkable way and the inordinate amount of time they have spent with  
1842 neighbors and the Varina Beautification Committee to allay some our concerns and  
1843 answer our questions. This is the way planning should work and I want to commend you  
1844 for that.

1845  
1846 Mr. Branin - Thank you.

1847  
1848 Ms. Koontz - In a letter that we wrote to Mr. Donati, we expressed the  
1849 following concerns as a committee. We were very concerned about the protection of  
1850 cedar trees along the cedar row median and Osborne Turnpike. We prefer the denial of  
1851 a median crossover, but we realize we've lost that one. We certainly approve the  
1852 appearance of the landscaped rustic entrance. We did not like the boulevard entrance  
1853 and we received satisfaction on that. Thank you so much. We did oppose curb and  
1854 gutter replacing the natural shoulders and roadside ditches that were originally  
1855 proposed along Osborne and we did get the concession on that. Thank you for that.  
1856 We have not gotten anywhere with our request for the use of porous, penetrable  
1857 materials on driveways and other low-impact development techniques to keep  
1858 stormwater on site. We keep pushing for this and we hope that Henrico County will get  
1859 up-to-date on these new low-impact development principles some day. We'll keep  
1860 pushing for it. We did not get it on this. We're hoping that Mr. Ransom will give it serious  
1861 consideration in the future when he is developing finally. The burial of utility lines within  
1862 the subdivision we requested, and that has been granted. We understand that it is still  
1863 in process with Mr. Jernigan on the opportunity to set good standards for Osborne  
1864 Turnpike with the burial of incoming power lines. We understand the problems with that,  
1865 the great expense to the developer concerning this, and we want you to keep working  
1866 on it.

1867  
1868 One thing that we requested and we are elated over is the 24-foot natural undisturbed  
1869 buffer along all adjoining properties, of course excluding the National Park Service



1870 property and certain other properties where drain fields would impede this. This was a  
1871 great concession by the developer and we want to commend Mr. Ransom on working  
1872 with the neighbors on this one.

1873  
1874 We have requested more information on the proposed above-ground septic systems,  
1875 which will be forthcoming, I think, as the conceptual project gets more into actual  
1876 construction. We understand the delay on that and the soil-type situation.

1877  
1878 There are various restrictive covenants for future homeowners regarding the quality of  
1879 future residents and the land uses that would be allowed with the conditional 45-foot  
1880 building setback, which Mr. Ransom so graciously offered and is certainly written into as  
1881 a condition on the plan. Mr. Jernigan helped with this and we want to commend you on  
1882 that 45-foot building setback.

1883  
1884 Again, we are deeply grateful to the way staff, Mr. Jernigan, and Mr. Ransom have  
1885 cooperated with the neighbors and have worked with us. We just want to say thank you  
1886 for it. The Beautification Committee is deeply grateful for all of this effort and the  
1887 inordinate amount of time that you've spent with us. Thank you.

1888  
1889 Mr. Branin - Thank you, Ms. Koontz. Did she wrap it up for all of you or  
1890 would you like to come down? Okay. While you come down, I'd like to thank Ms.  
1891 Koontz for doing such a great job in the Three Chopt District yesterday explaining to the  
1892 people of Wellesley and the people of Barrington the need for their input for the 2026  
1893 Plan.

1894  
1895 Ms. Irvin - Hi. My name is Joyce Irvin. My address is 1601 Rustling  
1896 Cedar Lane. My home and property is located diagonally across Osborne Turnpike  
1897 from the proposed Tredinnock Farm Subdivision. I'm not used to speaking in public, so  
1898 I hope you all will bear with me. I'm not opposed to the Tredinnock Farm property being  
1899 developed; however, I have serious concerns about the outfall of storm water and what  
1900 it might carry from Tredinnock Farm on to downstream properties such as mine. On  
1901 March 26, 2007, I sent a detailed letter concerning outfall, drainage, downstream  
1902 flooding, and above-ground sewage disposal system issues to Mr. James. B. Donati,  
1903 Jr., and sent copies to Mr. Jernigan, Mr. Kennedy, Mr. Bandura, Mr. Walker, and Mr.  
1904 Jack Fry with DCR. I also copied the Varina Beautification Committee. I would like that  
1905 letter to be retained on record for this case.

1906  
1907 Yesterday, I e-mailed a letter to Mr. Jernigan, Mr. Kennedy, and Mr. Bandura, with a  
1908 copy to Mr. Donati. Attached are pictures of the Tredinnock property and the  
1909 downstream properties owned by my husband and me, and that of our adjacent  
1910 neighbor. I further request that this document and attached pictures be retained on  
1911 record for this case. I also have copies of the pictures that I attached to that e-mail, if  
1912 you all have some way that you can look at them now.

1913  
1914 Mr. Jernigan, Mr. Kennedy, and Mr. Bandura were with me on-site yesterday, as was  
1915 Mr. Jim Ransom, and they graciously listened to my concerns and looked at the

1916 properties involved. I appreciate the time and attention they provided me and I  
1917 understand they're working to address these issues. Therefore, in the interest of saving  
1918 time, I will not reiterate the issues here. However, I would like to state for the record  
1919 that I am opposed to any permits being issued for any work concerning Tredinnock  
1920 Farm until such time as the downstream flooding, outfalls, and drainage issues are  
1921 completely and permanently corrected. Allowing any disturbance of the Tredinnock  
1922 Farm's land will cause my property and the properties south of the line to receive  
1923 additional water runoff causing even more flooding. Further, if soil disturbance is  
1924 allowed on the Tredinnock property prior to correction of the water issues I have brought  
1925 forth, my pastures and fields adjacent to them will be buried in mud at the next runoff-  
1926 producing rainfall after disturbance of the land. This will kill my pasture grasses, which  
1927 are forage for my horses, and the crops in the adjacent fields. Did you want me to  
1928 address these pictures before I go on?  
1929

1930 Mr. Branin - No.  
1931

1932 Ms. Irvin - Okay. Additionally, I and others in the community and on the  
1933 Varina Beautification Committee are opposed to using a retention pond of any sort to try  
1934 to resolve or control any drainage, storm water, or related issues on Tredinnock Farm's  
1935 property. One other issue to which I would like to register my opposition, the opposition  
1936 of our surrounding community, as well as the opposition of members of the Varina  
1937 Beautification Committee is the proposed allowance of a crossover through the grass  
1938 and tree median on Osborne Turnpike at Cedar Row for entrance to and exit from  
1939 Tredinnock Farm from and to the southbound lane of Osborne Turnpike. This crossover,  
1940 if allowed, will require the removal of only one already dead cedar tree; however, the  
1941 paved road will be right next to the trunk of the next cedar tree in the line of cedars in  
1942 the median. According to Mr. Adam S. Meddick, the arborist hired by Henrico County at  
1943 the request of Mr. Donati to develop a plan to preserve and restore Cedar Row, the  
1944 traffic within the drip line of that or other trees will damage the roots and eventually the  
1945 tree will die. Additionally, it will prevent the replanting and restoration of that portion of  
1946 Cedar Row. It is our considered opinion that another crossover is not needed and the  
1947 residents of Tredinnock Farms can use existing crossovers to go north or south on  
1948 Osborne Turnpike.  
1949

1950 I do want to mention that Mr. Ransom has been quite gracious in listening to our  
1951 concerns and allowing us to suggest changes. With this, I conclude my comments.  
1952

1953 Mr. Branin - Ms. Irvin, you were worried about not doing a good job. You  
1954 did a heck of a job.  
1955

1956 Ms. Irvin - Thank you.  
1957

1958 Mrs. Jones - May I ask a question of you?  
1959

1960 Mr. Branin - You may ask all you want.  
1961

1962 Mrs. Jones - Could I just ask what is your opposition to the BMP?  
1963  
1964 Mr. Branin - I was going to ask that as well.  
1965  
1966 Ms. Irvin - The ones that I have seen, except for the very large ones  
1967 that look like ponds and have ducks and plantings and fountains and everything, are  
1968 very unsightly. It draws mosquitoes, which we already have a very bad mosquito  
1969 problem because of the drainage issues in our area. If the retention pond is aerated,  
1970 the hatching of the eggs may not take place, but it's still going to draw the females,  
1971 which are the biting mosquitoes. It's going to be right across the road from my home. I  
1972 have horses and I'm sure you all are aware of the West Nile Virus threat. I would prefer  
1973 my horses not be the sentinels for West Nile Virus. That's also my concern with the  
1974 drainage issues off Tredinnock Farms with the above-ground septic systems. Should  
1975 any of them fail, we won't know it until the contamination is on my pasture grasses and  
1976 my horses get ill. Those are some major issues of mine.  
1977  
1978 These pictures, the first two at the top are from Tredinnock Farm greater than 24 hours  
1979 after the cessation of rain that yielded less than an inch of rain. I have video that I have  
1980 not been able to figure out how to get on a disc so that you can see it, and I also have  
1981 videos showing that the perk sites on Tredinnock Farm were full of water within about  
1982 four inches of the tops of the holes at the same time I took these photos at the top of the  
1983 screen. The bottom three photos, the one of my horses—I really wasn't showing off my  
1984 horses, but I was showing you what my pastures and the adjoining land look like dry.  
1985 The two above the pictures of my horses are what it looked like on this last rainstorm we  
1986 had that yielded less than 1-3/4 inches of rain. This is a very mild flooding, I might say,  
1987 because it is very typical for us to get between 2 and 5 inches of rain in our rainstorms.  
1988 When we get flooded, the only thing that is not under water is my house and in front of  
1989 it. Picture #3, just to the left of the camera, is the back of my barn, which is 75 feet  
1990 behind my house, just to give you an idea of how far away it is. Anything else?  
1991  
1992 Mr. Jernigan - Joyce, I just wanted to address a couple of things. First of  
1993 all, the median. You realize that on the median, that's a safety call.  
1994  
1995 Ms. Irvin - I do realize that.  
1996  
1997 Mr. Jernigan - Even we saw in your truck yesterday, it's tough to turn that  
1998 around. It's narrow. So, that's a safety call.  
1999  
2000 Ms. Irvin - I realize that and I appreciate that point, but I do realize that  
2001 if I don't tell you I object, you don't know.  
2002  
2003 Mr. Jernigan - Yes.  
2004  
2005 Ms. Irvin - So, I just thought I would put that to record.  
2006

2007 Mr. Jernigan - Jane was discussing the low impact development and as I  
2008 stated before, I'll talk to Mr. Ransom as this moves along. That hasn't been done in this  
2009 area.  
2010  
2011 Ms. Irvin - Right.  
2012  
2013 Mr. Jernigan - Those things we've seen more in the deeper south—South  
2014 Carolina, Florida, Georgia and through there. It's something new around here, so who  
2015 knows. We're going to discuss that to see what happens. I'm not saying anything will,  
2016 but we're going to look into it. On the BMP's, of course, you know that's a drainage  
2017 issue that has the call from Public Works. We know that you don't want that, and the  
2018 County really doesn't want it either.  
2019  
2020 Ms. Irvin - Right. All of the community is united against these types of  
2021 retention ponds. They are just very unsightly. They're usually not maintained well. They  
2022 just look really bad and we don't want that for our community.  
2023  
2024 Mr. Jernigan - Even in some of the subdivisions that are existing now that  
2025 had a BMP, they've actually allowed them to go in there and fill that and use it as  
2026 another lot.  
2027  
2028 Ms. Irvin - Right, exactly.  
2029  
2030 Mr. Jernigan - So, we're all on the same page there. The County doesn't  
2031 want it and you don't want it, but we'll have to see what happens. Now, as I told you  
2032 yesterday on the septic systems, I will have Mr. Walker—I'll get some more information  
2033 on you because I know you were worried about Isabel coming through and clearing  
2034 those septic fields.  
2035  
2036 Ms. Irvin - Oh, I don't think it would take an Isabel. I think it would take  
2037 just a heavy rain.  
2038  
2039 Mr. Jernigan - We'll get some more information on that.  
2040  
2041 Ms. Irvin - Okay.  
2042  
2043 Mr. Jernigan - I told Mr. Ransom yesterday when we were hunting around  
2044 down there, we may have found the problem in the outfall. We found a culvert pipe,  
2045 probably a 24-inch pipe that had collapsed and is blocked up.  
2046  
2047 Ms. Irvin - At least that might be one of the problems.  
2048  
2049 Mr. Jernigan - It comes from her property over to the next property that  
2050 goes down to the James. Public Works' Steven Bandura was with us when we found  
2051 that yesterday and he's going to look into that. From what Joyce said, the Corp of  
2052 Engineers had maintained that for some years, but now it's got some problems.

2053 Anyway, that may help some. I also explained to her that she has a water problem now  
2054 even before you go in there, but by Code, you can't put any more water on her and you  
2055 realize that and she realizes that also, that you have to contain or funnel out the water  
2056 that comes off Tredinnock's.

2057  
2058 Ms. Irvin - The issue with that is as soon as the vegetation on that  
2059 property is disturbed, we will get more water. It happened before when they clear-cut it  
2060 and timbered it. So, we will get more water.

2061  
2062 Mr. Jernigan - You're right, but it won't be long-term.

2063  
2064 Ms. Irvin - Thank goodness.

2065  
2066 Mr. Jernigan - Yes. Okay. All right. Thank you, Joyce.

2067  
2068 Ms. Irvin - Thank you very much.

2069  
2070 Mr. Jernigan - I don't have any more questions.

2071  
2072 Mr. Branin - Okay. Does anybody have any questions for the applicant?  
2073 None? Mr. Jernigan?

2074  
2075 Mr. Jernigan - Jim, did you want to say anything? All right. I'll tell you, this  
2076 has been a pretty good case and I learned a lot on this, especially yesterday. We spent  
2077 some time out in the field. I'm not a drainage engineer by any means, but I found out a  
2078 few things yesterday traveling with Mr. Kennedy and Mr. Bandura. I want to thank Mr.  
2079 Ransom. He's kind of bent over backwards on this case and tried to make all the  
2080 neighbors happy and I think he's done a fine job. The neighbors have told me that they  
2081 were all satisfied. Varina has one problem: It's flat. That we can't change. We just have  
2082 to adjust to it.

2083  
2084 With that, Mr. Chairman, I am going to move for approval of subdivision Tredinnock  
2085 Farms, SUB-22-07, subject to the annotations on the plans, the standard conditions for  
2086 subdivisions not served by public utilities, the following additional conditions #11 through  
2087 19, and the paper stub road on the addendum that will be run in off the main drive.

2088  
2089 Mr. Vanarsdall - Second.

2090  
2091 Mr. Branin - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in  
2092 favor say aye. All opposed say no. The ayes have it. The motion carries.

2093  
2094 The Planning Commission granted conditional approval to subdivision Tredinnock Farm  
2095 (March 2007 Plan), subject to the standard conditions attached to these minutes for  
2096 subdivisions not served by public utilities, the annotations on the plans, and the  
2097 following additional conditions:

2098 11. Each lot shall contain at least one acre, exclusive of the flood plain areas.

- 2099 12. The detailed plant list and specifications for the landscaping to be provided within  
2100 the 25-foot-wide planting strip easement along Osborne Turnpike shall be  
2101 submitted to the Department of Planning for review and approval prior to  
2102 recordation of the plat.
- 2103 13. Lots on the plat marked with an asterisk must be identified on the recordation plat  
2104 with an asterisk. Add the following note conspicuously to the plat under the  
2105 heading: "NOTES:" This lot has limitations for dwelling shape, size and location.  
2106 For details, refer to construction plans on file in the Department of Planning.
- 2107 14. The details for the landscaping to be provided or maintained within the 30-foot  
2108 wide planting strip easement along Hoke Brady Road shall be submitted to the  
2109 Department of Planning for review and approval prior to recordation of the plat.
- 2110 15. Prior to requesting recordation, the developer must furnish a letter from the  
2111 U. S. Park Service stating that this proposed development does not conflict with  
2112 its facilities.
- 2113 16. The owner shall not begin clearing of the site until the following conditions have  
2114 been met:
  - 2115 (a) The site engineer shall conspicuously illustrate on the plan of development  
2116 or subdivision construction plan and the Erosion and Sediment Control  
2117 Plan, the limits of the areas to be cleared and the methods of protecting  
2118 the required buffer areas. The location of utility lines, drainage structures  
2119 and easements shall be shown.
  - 2120 (b) After the Erosion and Sediment Control Plan has been approved but prior  
2121 to any clearing or grading operations on the site, the owner shall have the  
2122 limits of clearing delineated with approved methods such as flagging, silt  
2123 fencing, or temporary fencing.
  - 2124 (c) The site engineer shall certify in writing to the owner that the limits of  
2125 clearing have been staked in accordance with the approved plans. A copy  
2126 of this letter shall be sent to the Department of Planning and the  
2127 Department of Public Works.
  - 2128 (d) The owner shall be responsible for the protection of the buffer areas and  
2129 for replanting and/or supplemental planting and other necessary  
2130 improvements to the buffer as may be appropriate or required to correct  
2131 problems. The details shall be included on the landscape plans for  
2132 Planning Commission approval.
- 2133 17. Prior to requesting recordation, the developer shall furnish a letter from Dominion  
2134 Virginia Power stating that this proposed development does not conflict with its  
2135 facilities.
- 2136 18. Any necessary offsite drainage easements must be obtained prior to approval of  
2137 the construction plan by the Department of Public Works.
- 2138 19. Prior to requesting the final approval, a draft of the covenants and deed  
2139 restrictions for the maintenance of the common area by a homeowners  
2140 association shall be submitted to the Department of Planning for review. Such  
2141 covenants and restrictions shall be in a form and substance satisfactory to the  
2142 County Attorney and shall be recorded prior to recordation of the subdivision plat.

**SUBDIVISION**

2143  
2144

SUB-27-07  
Village @ Millers Lane  
(April 2007 Plan)  
End of Miller's Lane, near  
I-64 and Laburnum  
Avenue

**Bay Design Group, P.C. for Community Development Partners, LLC, Lloyd Poe, Linda A. Whitfield Hopcroft, and James A. and Virginia L. Whitfield:** The 14.08-acre site proposed for a subdivision of 78 ~~single-family homes~~ **residential townhouses for sale** is located on the south line of I-64 at Miller's Lane on parcels 812-718-1638, 1655 and 6325. The zoning is ~~A-1, Agricultural District~~ **RTHC, Residential Townhouse District (Conditional) and ASO, Airport Safety Overlay District**. County water and sewer. **(Varina) 78 Lots**

2145  
2146 Mr. Branin - Is there anyone in opposition to SUB-27-07, Village @  
2147 Millers Lane? No one? Good. Mr. Strauss, hello again.

2148  
2149 Mr. Strauss - Good morning. Thank you Mr. Chairman and members of  
2150 the Commission. This applicant, for this conditional subdivision, indicated to staff that  
2151 they would review the agency comments regarding the turning radius at the far western  
2152 corner of the development. What we're handing out now is a revised plan that adjusts  
2153 the parking layout and provides a larger turning radius in this location. The Fire Marshal  
2154 has looked at it and the Traffic Engineer is agreeable to it. All agencies are  
2155 recommending approval and as this is a subdivision plan, at this time, a grading and  
2156 detailed site design has yet to be done and the final lot count is not guaranteed until the  
2157 Plan of Development is submitted and reviewed. You will note that there is an  
2158 addendum in this case that corrects errors in the caption. In the zoning designation,  
2159 there's an error on the caption. There is an additional condition relating to the need to  
2160 vacate a portion of the dead-end street, Miller's Lane, which is inside the subdivision.  
2161 It's actually a dead-end, it goes nowhere. That was part of a rezoning proffer that they  
2162 will be required to vacate that portion of the road and I believe it's prior to recordation.  
2163 With that, I'll be happy to answer any questions you may have.

2164  
2165 Mr. Branin - Does anyone have any questions for Mr. Strauss? None.  
2166 Mr. Jernigan, do you want to hear from the applicant?

2167  
2168 Mr. Jernigan - No. We're all right on this.

2169  
2170 Mr. Branin - Then we'll be happy to entertain a motion.

2171  
2172 Mr. Jernigan - Mr. Chairman, with that I will move for approval of SUB-27-  
2173 07, Village @ Miller's Lane (April 2007 Plan), subject to the annotations on the plans,  
2174 the standard conditions for residential townhouses, and the following additional  
2175 conditions #13 through 16, and #17, which has been deleted and replaced with new  
2176 wording. Of course, this is on the addendum with the correction to the caption.

2177  
2178 Mrs. Jones - Second.

2179 Mr. Branin - Motion by Mr. Jernigan, seconded by Mrs. Jones. All in favor  
2180 say aye. All opposed say no. The ayes have it. The motion carries.

2181  
2182 The Planning Commission granted conditional approval to subdivision Village @ Miller's  
2183 Lane (April 2007 Plan), subject to the standard conditions attached to these minutes for  
2184 townhouses, the annotations on the plans, and the following additional conditions:

- 2185  
2186 13. Prior to requesting recordation, the developer shall furnish a letter from Dominion  
2187 Virginia Power stating that this proposed development does not conflict with its  
2188 facilities.
- 2189 14. The limits and elevation of the 100-year frequency flood shall be conspicuously  
2190 noted on the plat and construction plans and labeled "Limits of 100-year  
2191 floodplain." Dedicate floodplain as a "Variable Width Drainage & Utilities  
2192 Easement."
- 2193 15. The proffers approved as a part of zoning case C-68C-06 shall be incorporated in  
2194 this approval.
- 2195 16. The developer shall provide signage, the wording and location as deemed  
2196 appropriate by the Director of Public Works, which addresses the possible future  
2197 extension of any stub street.
- 2198 17. **DELETED & REPLACED** - ~~Prior to requesting the final approval, a draft of the~~  
2199 ~~covenants and deed restrictions for the maintenance of the common area by a~~  
2200 ~~homeowners association shall be submitted to the Department of Planning for~~  
2201 ~~review. Such covenants and restrictions shall be in a form and substance~~  
2202 ~~satisfactory to the County Attorney and shall be recorded prior to recordation of~~  
2203 ~~the subdivision plat.~~ **The portion of excess existing right-of-way for Millers**  
2204 **Lane within the bounds of the subdivision shall be vacated prior to**  
2205 **recordation of the subdivision plat.**  
2206

2207 Mr. Silber - That completes the Subdivisions and Plans of Development.  
2208 Next on the agenda is a public hearing on the zoning ordinance amendment to increase  
2209 residential building heights. You may recall a month ago we had a work session with  
2210 the Planning Commission on this topic. Today is a public hearing on the same proposed  
2211 amendment and Mr. Blankinship is here to give a short presentation on the ordinance  
2212 amendment. We will open up the public hearing.

2213  
2214 **BEGINNING AT 10:00 A.M.**

2215  
2216 **PUBLIC HEARING: Zoning Ordinance Amendment to Increase Residential Building**  
2217 **Heights**

2218  
2219 Mr. Blankinship - Thank you, Mr. Secretary. Good morning Mr. Chairman,  
2220 members of the Commission. All of this information should look familiar to you. As Mr.  
2221 Silber described, it really hasn't changed since the work session. The purpose of this  
2222 amendment would be to increase the height restriction on residential dwellings to 40  
2223 feet by right in some circumstances and by special exception in other circumstances.

2224  
2225 Since 1960, one-family dwellings, townhouses, and condominiums have all been limited  
2226 to 35 feet in height. Over the years since then, we have seen a lot of change in the



2227 housing market. Houses have grown consistently larger and larger, and we are seeing  
2228 more and more 9- and 10-foot ceilings. Whereas the 35-foot height limit used to be  
2229 generous and rarely an issue, it is more and more commonly an issue where building  
2230 plans are having to be revised in order to bring them into compliance with that height  
2231 limit. In following some conversations with developers and homebuilders, the County  
2232 has determined that it's time to reconsider that height limit, so the Board of Supervisors  
2233 adopted a resolution asking the Director of Planning to study the issue and make  
2234 recommendations to you, asking you to hold the work session and make a  
2235 recommendation on to the Board of Supervisors.

2236  
2237 The amendment that we have drafted essentially treats single-family dwellings in two  
2238 different ways. In the larger zoning categories, the R-0 through the R-2, and the A-1  
2239 District, where lot widths are at least 100 feet and lot areas are at least 18,000 square  
2240 feet, staff believes that it would be reasonable to allow 40 foot heights by right without  
2241 the necessity of a case-by-case investigation. The side yard setbacks and the lot areas  
2242 we believe are adequate to allow a 40-foot tall house to fit without causing any negative  
2243 impacts.

2244  
2245 In the smaller zoning district and on all exception lots, staff believes it would be more  
2246 appropriate to allow the 40-foot height limit by special exception from the Board of  
2247 Zoning Appeals. That would give us some opportunity for a case-by-case review.  
2248 Primarily, the concern here is where a new dwelling would go in next to an existing  
2249 dwelling, or in some cases between two existing dwellings, you may have smaller, older  
2250 dwellings and a new dwelling between them that at 40 feet would be overpowering,  
2251 inconsistent, and incompatible with the neighborhood. But then again, you may not, so  
2252 we have suggested that the 40-foot limit be allowed but that it be allowed by special  
2253 exception from the Board of Zoning Appeals. I'm going to skip through these slides  
2254 since we've already been through this once, but this just lays out for you the lot area  
2255 and lot width requirements under those circumstances.

2256  
2257 For townhouses and for condominiums, we recommend changing the height restriction  
2258 to 40 feet by right in both cases. The justification there is that these projects are  
2259 generally built out by a single builder all at once, so you're not going to run into the  
2260 compatibility issues where you have a 25-foot townhouse and someone wants to build a  
2261 40-foot one next door. They're all being built at once and they're all going to be built to a  
2262 uniform plan under a Plan of Development.

2263  
2264 Zero lot lines, however, the R-5A District, was written specifically to allow smaller  
2265 dwellings on smaller lots. So again, because that's the nature of those houses that  
2266 they're built very close to each other with the side yard only on one side, we  
2267 recommend allowing 40 feet only by special exception from the Board of Zoning  
2268 Appeals. One brief note on that. We've discussed in a couple of our meetings that I  
2269 don't remember if we went over in the work session, if a developer is coming in today  
2270 with a new R-5A zoning and wanting to do zero lot lines and is going to do 120 of them,  
2271 for example, we wouldn't ask him to file 120 applications and look at each dwelling  
2272 individually. If they're coming in with a new project, we would entertain one application

2273 for special exception to allow up to 40 feet throughout that development. So, in cases  
2274 where it's not going to be an issue, we don't believe the Board of Zoning Appeals  
2275 process is that onerous or that cumbersome for the developer, but it does give us that  
2276 extra measure of protection in cases where there might be an issue for compatibility.

2277  
2278 That's the end of my prepared remarks. I'll be happy to entertain any questions.

2279  
2280 Mr. Jernigan - The only question I have is on the zero lot line. Do we have  
2281 much R-5A zoned out here now?

2282  
2283 Mr. Silber - Currently zoned R-5A?

2284  
2285 Mr. Jernigan - I mean that's old.

2286  
2287 Mr. Silber - We do have some. We have some that's zoned and platted.

2288  
2289 Mr. Vanarsdall - Why is it "dwellings and manufactured homes" on page 4?  
2290 Why is it written, "manufactured homes"?

2291  
2292 Mr. Blankinship - That's in the A-1, Agricultural District.

2293  
2294 Mr. Vanarsdall - Oh, that takes care of the mobile homes.

2295  
2296 Mr. Blankinship - Yes. They're listed as two different uses in the list of  
2297 permitted uses. So, in bringing it over to the charts, I guess it was decided sometime in  
2298 the past to list them separately so there wouldn't be any ambiguity about whether a  
2299 manufactured home should be considered a dwelling or in other permitted uses.

2300  
2301 Mr. Vanarsdall - Right.

2302  
2303 Mr. Archer - Mr. Blankinship, what about those homes that are pre-built,  
2304 that are full-size houses but I guess you'd still have to call them manufactured not stick-  
2305 built.

2306  
2307 Mrs. Jones - Modular homes.

2308  
2309 Mr. Blankinship - For zoning purposes, we treat them exactly like site-built.

2310  
2311 Mr. Archer - Okay.

2312  
2313 Mr. Vanarsdall - Mr. Chairman, we have three people in the back that I think  
2314 want to speak.

2315  
2316 Mr. Branin - Because this is a public hearing, you guys are welcome to  
2317 speak, which obviously you are coming down to do that. I didn't ask if anyone was in  
2318 opposition or had any words of opposition.

2319  
2320 Mr. Youngblood - Good morning. I'm Dick Youngblood. I'm here in favor of  
2321 this change in the ordinance; however, I would like for it to go a little further than you've  
2322 gotten it to include R-2A because in our case, we have a couple of subdivisions that  
2323 don't have the minimum R-2A-size lots. They're bigger than R-2A. They're complete  
2324 subdivisions of more than 15 lots. We'd like to see those types of zoning also be  
2325 included in the 40-foot restriction. It's good to see that you're considering changing the  
2326 ordinance because of the design of the houses. They have gotten bigger and the roofs  
2327 have gotten steeper. It helps to have this change in the ordinance.  
2328  
2329 Mrs. Jones - Mr. Youngblood, you do have an option.  
2330  
2331 Mr. Youngblood - Yeah, but we'd have to come in for an exception. If we  
2332 came in at the subdivision approval and you granted the exception, it would great. But  
2333 in our case, since we're zoned and recorded, I assume that we would have to come in  
2334 for an exception on each house to the Board of Zoning Appeals.  
2335  
2336 Mrs. Jones - My understanding from Mr. Blankinship's comment was that  
2337 a development could come in as a unit for a special exception as opposed to one-by-  
2338 one?  
2339  
2340 Mr. Silber - Yes, Mr. Youngblood, I think you could. If you had a  
2341 subdivision with 20 lots with 10 of them build on, and you have 10 more you want to  
2342 come in on and you want to exceed the 35 feet on all 10 lots, I believe you can apply  
2343 with one application for the 10 remaining lots to the BZA and have them act on that as a  
2344 single application.  
2345  
2346 Mr. Youngblood - Well, that's good to know, but I'd still like for you to consider  
2347 changing the ordinance so that you wouldn't have to go through those applications and  
2348 hearings.  
2349  
2350 Mrs. Jones - You don't like going to BZA anyway.  
2351  
2352 Mr. Youngblood - Well, every time I've always gone to the BZA, it's because  
2353 we had a builder that made a mistake and was too close to the sideline. It hasn't been  
2354 a very good place to go to. But I understand this would be a different situation.  
2355  
2356 Mr. Vanarsdall - Yes, it is. Thank you, Dick.  
2357  
2358 Mr. Jernigan - Mr. Silber, probably our most popular zoning case is R-2A.  
2359  
2360 Mr. Silber - I would venture to say you're probably right. That is probably  
2361 the zoning classification that mostly recently we've had the most of. I think where we  
2362 have tried to come from in our staff recommendation is you have to—We believe that on  
2363 the larger-sized lots, if you're trying to keep some proportionality of house to lot size,  
2364 you need to be dealing with the by-right of 40 feet on the larger lots. When we look at

2365 our zoning classifications, the R-0 through the R-2 is what we consider to be our larger  
2366 lots. An R-2 lot requires 100 feet of lot width. When you go to R-2A, it bumps all the  
2367 way down to an 80-foot lot width.

2368  
2369 Mrs. Jones - That's a lot.

2370  
2371 Mr. Silber - R-3 and R-2A both have 80 feet. So, between 100 to 80,  
2372 that's were we divided this to by right versus special exception. Yes, you are right, Mr.  
2373 Jernigan, I think we do have a lot of zoning cases that are R-2A, but we feel like that's  
2374 sort of the dividing line that we thought made some sense.

2375  
2376 Mr. Craddock - Mr. Chairman, may I provide a written copy of my  
2377 comments? I have a copy for each of the Commission members.

2378  
2379 Mr. Branin - Absolutely.

2380  
2381 Mr. Vanarsdall - Did you just make one copy? I didn't mean to leave you out.  
2382 I knew they wanted to speak and I figured you were sitting back there and you would,  
2383 too.

2384  
2385 Mrs. Jones - Good morning, Tyler.

2386  
2387 Mr. Craddock- Yes sir. Mr. Chairman, members of the Commission, I am  
2388 Tyler Craddock and I represent the 550+ member firms of the Homebuilding Association  
2389 of Richmond. Before I discuss the proposal itself, I would like to take this opportunity to  
2390 express our thanks to the staff of the Planning Department, especially Randy Silber,  
2391 Dave O'Kelly, and Ben Blankinship for taking the time to meet with us to discuss and  
2392 answer questions regarding this proposal.

2393  
2394 As it is written, this proposal represents a positive step forward for the home-buying  
2395 public in Henrico County. While we do believe that issues such as building height should  
2396 be solely arbitrated by the market, the end result of the proposal is better than the  
2397 existing regulation in that it provides the housing industry with more flexibility to meet  
2398 consumer demand. With the increasing square footage of many homes today and the  
2399 high roof pitches that are more commonplace, this proposal is a needed first step to  
2400 making sure that the planning and building regulations match the reality of the  
2401 marketplace. So, I commend Henrico County for proactively bringing this issue forward.

2402  
2403 While we have no major objections to the proposal as it is written, there is room for  
2404 improvement. With specific regard to this proposal, we would suggest that the R-2A, R-  
2405 3, R-3A, R-4, and R-4A districts, as well as detached and semi-detached homes with  
2406 zero lot lines be treated the same as other residential districts by allowing a 40-foot  
2407 building height with the provision that the height for lots zoned prior to 1950 would be 35  
2408 foot by right and 40 foot with special exception. This change would provide greater  
2409 uniformity across the board, while still taking some steps to protect the character of  
2410 older existing neighborhoods.

2411  
2412 This proposal is a step in the right direction. With the amendments that we proposed, it  
2413 would certainly be a leap in the right direction. For that reason, we urge you to  
2414 recommend approval of this ordinance with the proposed amendments. Thank you. I'll  
2415 be happy to answer any questions that you may have.

2416  
2417 Mr. Branin - Does anybody have any questions for Tyler?

2418  
2419 Mrs. Jones - No.

2420  
2421 Mr. Branin - Thank you for your comments. Mr. Secretary, do we have to  
2422 make a motion for approval?

2423  
2424 Mr. Silber - Yes. Well, I'm just going to make one other comment. I  
2425 know that Mr. Youngblood in our meeting with them this week, had noted that in some  
2426 of their zoning classifications or some of their rezoning of property, they have proffered  
2427 larger lots than the minimum required by R-2A. So, they have lots that are in the  
2428 neighborhood of 90 feet in lot width or in some cases larger. One option that we might  
2429 want to consider if the Planning Commission has sensitivity to this R-2A situation, is to  
2430 consider amending this amendment to require that any lot that's larger than say 90 feet  
2431 in lot width would allow houses up to 40 feet by right and anything smaller than 90 feet  
2432 would be through the special exception. That sort of picks up the classifications that we  
2433 think are appropriate, yet does provide some allowance to them in situations where they  
2434 have R-2A zoning but the lots are larger than the minimum. I don't know what that  
2435 would take in the form of an amendment to this, Mr. Blankinship, how complicated that  
2436 is, how we might actually make that text amendment, but that's something we might  
2437 want to consider.

2438  
2439 Mr. Archer - Mr. Secretary, what was the next step up past 80 for R-2A?  
2440 The next step was 100?

2441  
2442 Mr. Silber - When you go from R-2A up to R-2, it goes from 80 feet lot  
2443 width up to 100.

2444  
2445 Mr. Archer - One hundred. Okay. So, the 90 is kind of halfway in  
2446 between.

2447  
2448 Mrs. Jones - I would raise the question as to whether we aren't sacrificing  
2449 the goal of compatibility by going ahead and opening the door. The lots that are unusual  
2450 sizes for the zoning classification are due to site design and restraints of whatever  
2451 special parcel situations we have. I'd rather see a cohesive development, I believe,  
2452 than one that is piecemeal. There could be, I guess, an appeal process. We're making  
2453 this awfully cumbersome now. I might be more comfortable with proceeding at this  
2454 point with a 100-foot minimum lot width cutoff as proposed. If a lot was 100 feet, it  
2455 could be appealed. If we start inching it down, I think we're going to open ourselves to a  
2456 problem. That's my opinion.

2457  
2458 Mr. Jernigan - First of all, R-2A is our most popular category, as we said.  
2459 The second thing, if we don't include that in there, that's going to create a whole lot  
2460 more work for the BZA. I would think if we take the R-2A and just tell them it has to be a  
2461 90-foot lot width and if it's anything less they have to file with the BZA, maybe we'll go  
2462 ahead and get those 90-foot lots.  
2463  
2464 Mr. Silber - Set at 90 or greater than 90?  
2465  
2466 Mr. Jernigan - Ninety plus.  
2467  
2468 Mr. Branin - Mr. Archer, how do you feel?  
2469  
2470 Mr. Archer - I doubt if we have much R-4 and R-4A left not zoned.  
2471  
2472 Mr. Jernigan - In R-1 and R-0 and all, the only way I'm going to get  
2473 somebody to do that is hold a gun to their head. Actually, R-2 and R-2A are going to be  
2474 our primary.  
2475  
2476 Mr. Archer - You'll find a lot of R-3 and R-3A throughout the County.  
2477  
2478 Mr. Jernigan - Would you want to leave the R-3A with the restriction at 35  
2479 and have to go to the BZA?  
2480  
2481 Mr. Branin - I'm comfortable with that with R-3A. Mr. Vanarsdall, how do  
2482 you feel about the R-2?  
2483  
2484 Mrs. Jones - You mean R-2A. How do you feel about the R-2A?  
2485  
2486 Mr. Vanarsdall - I'm comfortable with it.  
2487  
2488 Mr. Branin - With the way it is or to put the addendum on it that—  
2489  
2490 Mr. Vanarsdall - The way Randy explained it with the 90-foot lot.  
2491  
2492 Mr. Branin - Okay. Mr. Blankinship, how will we go about doing that if we  
2493 chose to?  
2494  
2495 Mr. Blankinship - We'd want to sit down and take a look at it, but I would  
2496 suppose it would go in the notes, the 24-95 notes, which on your draft is on page 4 of 5  
2497 where we've added a (dd) and a (ee). I think it would be in that context.  
2498  
2499 Mr. Silber - Mr. Blankinship, can we put that in today and move forward?  
2500 Mr. Blankinship - I think so, since you're making a recommendation to the  
2501 Board of Supervisors.  
2502

2503 Mr. Vanarsdall - That's what I was suggesting. You're saying go through the  
2504 whole thing. Did you say a cutoff or did you say go to the rest of it.

2505  
2506 Mr. Silber - He'd like R-2A to be 40.

2507  
2508 Mr. Youngblood - I'd like R-2A. In our situation, we made our lots wider in one  
2509 subdivision because we wanted to. We lost a lot in order to do it because originally we  
2510 were approved for 16 lots and we did 15 because of the houses we wanted to build and  
2511 because we didn't want front-loaded garages. So, that's one of our subdivisions. In the  
2512 other one, all the lots are 100 feet or better, so I'm not really concerned about that one.  
2513 There are other builders that were at the meeting that we had with the staff that also are  
2514 building in R-2A and building on bigger lots that have the same concern because they're  
2515 building bigger houses. Primarily, I guess, most of that is in Mrs. Jones' district.

2516  
2517 Mrs. Jones - I would suggest that the decision to take a 16-lot subdivision  
2518 and make it a 15-lot subdivision and to, therefore, accommodate what your clients want  
2519 I think makes for a better neighborhood and a more beautiful result, too.

2520  
2521 Mr. Youngblood - At the time, market is controlling that.

2522  
2523 Mrs. Jones - Sure.

2524  
2525 Mr. Youngblood - And that's what we'd like to see, the market control what we  
2526 build.

2527  
2528 Mr. Branin - Thank you, sir. Mr. Secretary, you want to lead us through  
2529 making this change?

2530  
2531 Mr. Jernigan - What will we do on cul-de-sac lots because your cul-de-sac  
2532 lots don't generally have the same road frontage.

2533  
2534 Mr. Silber - That is a good question. The cul-de-sac lot has to meet the  
2535 minimum lot width and setback, so in this case, I would assume the 90 feet would still  
2536 apply on the cul-de-sac lot. If the cul-de-sac lot can't meet the 90 feet, then they would  
2537 require a special exception for a taller house.

2538  
2539 What I hear the Planning Commission considering is taking staff's recommendation but  
2540 adding to that by saying that—Let me, again, say what staff is recommending is any  
2541 single-family district from R-0 through R-2 would allow the taller structures up to 40 feet  
2542 by right. The other zoning classifications would require a special exception to go up to  
2543 40 feet. With this suggestion, if the Planning Commission wants to recommend this to  
2544 the Board, we'd be recommending a change or revision to this amendment to say that  
2545 any lot that is 90 feet or larger in width would allow structures to go up to 40 feet by right  
2546 and any lot smaller than 90 feet in lot width would require a special exception for height  
2547 taller than 35 feet.

2548

2549 Mr. Jernigan - That would cover everything down to R-4.  
2550  
2551 Mrs. Jones - May we vote on the recommended change separately from  
2552 the vote on the ordinance or how are we going to do that?  
2553  
2554 Mr. Silber - I think we would just make a recommendation to the Board  
2555 of Supervisors that you recommend this ordinance amendment with that change. Let  
2556 me ask for a clarification from my own staff. Would it be best to view this 90-foot lot  
2557 widths regardless of zoning classification or are we talking about R-0 through R-2 being  
2558 by right and within the R-2A district, we do it 90-feet or larger?  
2559  
2560 Mr. Blankinship - I was just asking myself the same question, actually. I need  
2561 a little bit more time to kick that around.  
2562  
2563 Mr. Silber - The concern I might have with doing it in all the districts is  
2564 say you had an R-4 district or R-4A district. You can't zone to that anymore, but there  
2565 are those zoning districts out there. You might have 20 lots and 19 of those lots are on  
2566 80-foot lot widths or 70-foot lot widths, yet there's one lot that's 90. You could then all of  
2567 a sudden have a much taller house in this one subdivision while all the others are  
2568 smaller.  
2569  
2570 Mr. Branin - That's what we want to stay away from.  
2571  
2572 Mr. Silber - I think that's what we want to stay away from.  
2573  
2574 Mrs. Jones - Which brings me back to where we were before. This is  
2575 possible through special exception. All options are on the table here; it simply has to go  
2576 one way or the other. What we're arguing about is by right. I would be opposed to  
2577 taking a by-right height below 100 feet in lot width.  
2578  
2579 Mr. Branin - Okay.  
2580  
2581 Mrs. Jones - That's all I'm saying.  
2582  
2583 Mr. Silber - That was staff's original recommendation. We offer an  
2584 alternative to address Mr. Youngblood's concern, but if the Commission—  
2585  
2586 Mr. Youngblood - If it's zoned R-2A and you have 100-foot lots, are you going  
2587 to include the R-2A with 100-foot lots with the 40-foot by right?  
2588  
2589 Mr. Silber - That's what the Planning Commission is debating.  
2590  
2591 Mr. Jernigan - I kind of like the way you said it, but I'd go down from R-0 to  
2592 R-2A at 90 foot plus. Anything R-3 and below, they have to get special exception  
2593 regardless of the lot size.  
2594



2595 Mr. Vanarsdall - You're saying beyond R-2A they'd have to get special  
2596 exception.  
2597  
2598 Mr. Jernigan - Yes. Anything lower than R-2A because you may have in fill  
2599 areas and those may be lower structures there. Like I said, R-2A is our most popular  
2600 one and I don't want to throw every case to the BZA if they want to put a 40-foot ceiling  
2601 on it. I'm comfortable with the 90 feet.  
2602  
2603 Mrs. Jones - But there will be R-2A lots that are 80 feet.  
2604  
2605 Mr. Jernigan - They'll have to apply. They'll have to go to the BZA.  
2606  
2607 Mrs. Jones - So, R-2A is not by right, only if the lot happens to be 90 or  
2608 wider.  
2609  
2610 Mr. Jernigan - Ninety foot plus.  
2611  
2612 Mr. Silber - So, stated differently, your R-0 through R-2 would be by right  
2613 and your R-2A would be by right only if the lot is 90 feet or larger. R-3, R-3A, R-4, R-4A  
2614 would not be by right, but only by special exception.  
2615  
2616 Mr. Vanarsdall - Is that going to be 80.  
2617  
2618 Mrs. Jones - What's the magic between 90 and 100?  
2619  
2620 Mr. Jernigan - Ten.  
2621  
2622 Mr. Branin - You can't feel the magic?  
2623  
2624 Mrs. Jones - I am not trying to be argumentative. I simply know that in the  
2625 Tuckahoe District, we have consistent discussions about McMansions next to  
2626 established areas. Although the McMansions are absolutely beautiful homes and they  
2627 have a beautiful place in the County, I honestly think it may be a little difficult to justify  
2628 the R-2A as a by right height. Five feet does not necessarily mean just five feet in an  
2629 increase. It could end up being a good 10 feet higher. It could be a significant amount  
2630 taller than adjoining older neighborhoods. My concern is there. I think this is certainly a  
2631 good change. My only concern is the R-2A by right. That's why there are five us on this  
2632 Commission.  
2633  
2634 Mr. Branin - How do we move forward? Do we hold it up for Mr.  
2635 Blankinship? What do you want to do, Mr. Silber?  
2636  
2637 Mr. Silber - Unless there is good reason to defer this, I would suggest  
2638 that you send something forward to the Board of Supervisors for their consideration.  
2639  
2640 Mr. Archer - At which point it can be debated again.

2641  
2642 Mr. Branin - I'm all for moving it forward.  
2643  
2644 Mr. Silber - What you're sending forward to the Board of Supervisors is  
2645 the Planning Commission's recommendation in regards to this proposed amendment.  
2646  
2647 Mr. Branin - Now it's up to them to either keep what Mr. Blankinship's  
2648 presented, listen to our change, or change it themselves. Would someone like to make  
2649 a motion? Anyone?  
2650  
2651 Mr. Jernigan - I'll make a motion that we approve the resolution to change  
2652 the ordinance for building height for the districts of R-0 through R-2A—excuse me—R-0  
2653 through R-2 that by right they can increase to 40 feet in height, R-2A with a lot width of  
2654 90+ feet can go to 40 feet in height, and everything below that, R-3 through R-4A, they  
2655 would have to have special exception.  
2656  
2657 Mr. Branin - Motion was made by Mr. Jernigan.  
2658  
2659 Mr. Archer - I'll second that.  
2660  
2661 Mr. Branin - Seconded by Mr. Archer. All in favor say aye. All opposed  
2662 say no. Motion does carry. Please note that there were four yeases and one no.  
2663  
2664 Mr. Silber - And one abstention.  
2665  
2666 Mr. Branin - And one abstention.  
2667  
2668 The vote was as follows:  
2669  
2670 Mr. Branin - Yes  
2671 Mr. Vanarsdall - Yes  
2672 Mr. Branin - Yes  
2673 Mr. Jernigan - Yes  
2674 Mrs. Jones - No  
2675  
2676 The Planning Commission on a four to one vote, approved to send to the Board of  
2677 Supervisors the resolution to change the ordinance for building height as follows:  
2678 Districts R-0 through R2 can increase building height to 40 feet by right, district R2-A  
2679 lots with a lot width of 90+ feet can go to 40 feet in height by right, and everything below  
2680 that, R-3 through R-4A, would have to have special exception.  
2681  
2682 Mr. Branin - Okay, thank you very much. We will send that forward to the  
2683 Board. Mr. Thornton will have a chance to hear this discussion again. We will be holding  
2684 a work session with the Board probably in about a month. Next is approval of the  
2685 minutes of the March 28, 2007 meeting.  
2686

2687 **APPROVAL OF MINUTES: March 28, 2007 Minutes**

2688  
2689 Mrs. Jones - I had only one thing and it's because I wasn't sure what Mr.  
2690 Vanarsdall said. On page 45, line 1730, I'm just not sure what that comment is. If he  
2691 can clarify that, that's all I found.

2692  
2693 Mr. Vanarsdall - That would be a new subdivision.

2694  
2695 Mrs. Jones - Insert the word, "be"?

2696  
2697 Mr. Vanarsdall - That was a question. "Would that be a new subdivision?"

2698  
2699 Mrs. Jones - "Would that be a new subdivision."

2700  
2701 Mr. Vanarsdall - They left the "would" out.

2702  
2703 Mrs. Jones - Okay.

2704  
2705 Mr. Branin - All right.

2706  
2707 Mrs. Jones - With that, I move for approval of the minutes.

2708  
2709 Mr. Branin - So moved.

2710  
2711 Mr. Archer - Thank you, Mrs. Jones.

2712  
2713 Mrs. Jones - You're welcome.

2714  
2715 Mr. Branin - This meeting is adjourned. Kate, Lee, and Amy, if you guys  
2716 would come up so we can actually meet you and shake your hands, we would  
2717 appreciate it.

2718  
2719 Mr. Silber - One other announcement.

2720  
2721 Mr. Branin - Oh no you don't.

2722  
2723 Mr. Silber - Just a reminder. There is a tour that the Department of  
2724 Community and Revitalization and Planning will be conducting for the Board of  
2725 Supervisors and the Planning Commission on May 2<sup>nd</sup>. It's at 9:30. You should be  
2726 getting a letter, but at 9:30 meet out at the front of the Administration Building. I believe  
2727 about 9:30 until 2:30 is what Mr. Strickler was hoping to keep us to.

2728 Mr. Branin - You're right, that's not all day.

2729  
2730 Mr. Silber - It's a week from today.

2731

2732 Mr. Branin - I'd also like to see Mr. Kennedy so he can explain to me  
2733 what a whacky intersection exactly is. Is he gone already? Weirdo. Weirdo  
2734 intersection.

2735  
2736 The Planning Commission adjourned its April 25, 2007 meeting.

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2740  
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Tommy Branin, Chairman

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2747  
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Randall R. Silber, Secretary

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