

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia,
2 held in the Board Room of the County Administration Building in the Government Center at Parham and
3 Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, December 18, 2002.

4

5 Members Present: Mr. Allen Taylor, P.E., C.P.C., Chairperson (Three Chopt)
6 Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)
7 Mr. C. W. Archer, C.P.C. (Fairfield)
8 Mrs. Lisa D. Ware (Tuckahoe)
9 Mr. Frank J. Thornton (Fairfield) Board of Supervisors
10 Representative

11

12 Member Absent: Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)

13

14 Others Present: Mr. John R. Marlles, AICP, Director of Planning, Secretary
15 Mr. David D. O'Kelly, Jr., Principal Planner
16 Ms. Leslie A. News, CLA, County Planner
17 Mr. James P. Strauss, CLA, County Planner
18 Mr. E. J. (Ted) McGarry, III, County Planner
19 Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
20 Mr. Michael F. Kennedy, County Planner
21 Ms. Christina L. Goggin, AICP, County Planner
22 Mr. Michael P. Cooper, County Planner
23 Mr. Todd Eure, Assistant Traffic Engineer
24 Mrs. Ann Cleary, Recording Secretary

25

26 Other Absent: Mr. Randall R. Silber, Assistant Director of Planning

27

28 **Mr. Frank J. Thornton, the Board of Supervisors Representative, abstains on all cases unless**
29 **otherwise noted.**

30

31 Mr. Taylor - Good morning everybody and welcome to the final POD meeting for 2002.
32 With that, I'm going to turn the microphone over to our secretary Mr. Marlles, and we will begin with
33 the Expedited Agenda.

34

35 Mr. Marlles - Good morning, Mr. Chairman and members of the Commission. Good morning
36 ladies and gentlemen. The first item on the agenda is the requests for deferrals and withdrawals and
37 those will be presented by Mr. Kevin Wilhite.

38

39 Mr. Wilhite - Good morning, Mr. Chairman and Commission members and ladies and
40 gentlemen of the office. Merry Christmas. We have three requests for deferrals. The first one is on
41 page 4 of your agenda, Laurel Woods subdivision.

42

42 **SUBDIVISION (Deferred from the November 20, 2002, Meeting)**

43

Laurel Woods, Section B
(October 2002 Plan)

Youngblood, Tyler & Associates, P.C. for Edith E. Flora and West End Developers, LLC: The 1.52-acre site is located on the south side of Sunrise Road, approximately 500 feet west of Pump Road at 11911 Sunrise Road on parcel 738-756-5709. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. 3 Lots (**Three Chopt**)

44

45 Mr. Wilhite - The applicant is requesting deferral to February 26, 2003, meeting.

46

47 Mr. Taylor - Is there anyone in the audience in opposition to the deferral of subdivision
48 Laurel Woods, Section B? No opposition. I'll move deferral to February 26, 2003, for subdivision of
49 Laurel Woods.

50

51 Mr. Jernigan - Second.

52

53 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Jernigan. All in
54 favor say aye...all opposed say nay. The motion carries.

55

56 At the request of the applicant, the Planning Commission deferred subdivision Laurel Woods, Section B
57 (October 2002 Plan) to its February 26, 2003 meeting.

58

59 **PLAN OF DEVELOPMENT**

60

POD-84-02
Jiffy Lube –
9215 Quioccasin Road

Balzer & Associates Inc. for Vircal Lubes: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 1,830 square foot auto service center. The 1.89-acre site is located at 9215 Quioccasin Road approximately 500 feet west of Inez Road on parcel 750-745-1577. The zoning is B-1C, Business District (Conditional) and B-2C, Business District (Conditional). County water and sewer. (**Tuckahoe**)

61

62 Mr. Taylor - Is there anyone in the audience in opposition to the deferral of POD-84-02,
63 Jiffy Lube on Quioccasin Road? No opposition.

64

65 Mrs. Ware - Okay. Then I'll move POD-84-02, Jiffy Lube at 9215 Quioccasin Road be
66 deferred to the January 22 meeting at the applicant's request.

67

68 Mr. Archer - Second.

69

70 Mr. Taylor - The motion was made by Mrs. Ware and seconded by Mr. Archer. All in
71 favor say aye...all opposed say nay. The motion carries.

72

73 At the request of the applicant, the Planning Commission deferred POD-84-02, Jiffy Lube – 9215
74 Quioccasin Road, to its January 22, 2003 meeting.

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-2-

75

76 **SUBDIVISION (Deferred from the November 20, 2002, Meeting)**

77

Newstead Landing
(A Resubdivision of Newstead
Landing, Section A and a Portion of
Newstead Farms)
(September 2002 Plan)

Engineering Design Associates for Newstead Landing L.C.:

The 52.7-acre site is located on the south line of Kingsland Road
140 feet east of Osborne Landing (private road) on parcels 808-
670-1962, 3363, 4865, 6169, 1028; 808-668-9806 and 809-668-
6715. The zoning is A-1, Agricultural District. Private central water
and central sewer system. (**Varina**)

12 Lots

78

79 Mr. Taylor - Is there anyone in the audience in opposition to the deferral of subdivision
80 Newstead Landing (September 2002 Plan)? No opposition.

81

82 Mr. Jernigan - Mr. Chairman, I'll make a motion to defer subdivision Newstead Landing to
83 March 26, 2003, by request of the applicant.

84

85 Mr. Taylor - Second.

86

87 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Taylor. All in
88 favor say aye...all opposed say nay. The motion carries.

89

90 At the request of the applicant, the Planning Commission deferred subdivision Newstead Landing (A
91 Resubdivision of Newstead Landing, Section A and a portion of Newstead Farm) (September 2002
92 Plan) to its March 26, 2003 meeting.

93

94 Mr. Marles - Mr. Chairman, the next item on the agenda is the Expedited Agenda. Just for
95 the information of the ladies and gentlemen in the audience, items on the Expedited Agenda are items
96 which staff is recommending approval. The Planning Commissioner of the district has no opposition to
97 the case and there is no known opposition. If there is opposition to a case, it could be taken off of the
98 Expedited Agenda and reviewed in the regular rotation. Mr. Wilhite.

99

100 Mr. Wilhite - Thank you. There are 13 cases that appear on the Expedited Agenda. The
101 first case is on page 7.

102

102 **PLAN OF DEVELOPMENT**

103

POD-85-02
The Shops at CrossRidge –
Parking Lot Expansion –
Staples Mill Road (Route 33)

Jordan Consulting Engineers, P.C. for Gator Investments, L.C.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a parking lot expansion. The 2.21-acre site is located on the southwest corner of Staples Mill Road (U.S. Route 33) and Crossridge Glen Way on parcel 762-764-6451. The zoning is B-1, Business District. **(Brookland)**

104

105 Mr. Taylor - Is there anyone in the audience in opposition to POD-85-02, The Shops at
106 CrossRidge? No opposition.

107

108 Mr. Archer - Mr. Chairman, I move to approve POD-85-02, The Shops at CrossRidge
109 Parking Lot, subject to the annotations on the plan, the standard conditions for developments of this
110 type and additional conditions Nos. 23 through 29.

111

112 Mr. Jernigan - Second.

113

114 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Jernigan. All in
115 favor say aye...all opposed say nay. The motion carries.

116

117 The Planning Commission approved POD-85-02, The Shops at CrossRidge – Parking Lot Expansion
118 – Staples Mill Road (State Route 33) subject to the standard conditions attached to these minutes for
119 developments of this type, the annotations on the plan and the following additional conditions:

120

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

125 24. The entrances and drainage facilities on Staples Mill Road (U.S. Route 33) shall be approved
126 by the Virginia Department of Transportation and the County.

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

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

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

135 28. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
136 plans.

137 29. Approval of the construction plans by the Department of Public Works does not establish the
138 curb and gutter elevations along the Virginia Department of Transportation maintained right-of-
139 way. The elevations will be set by the contractor and approved by the Virginia Department of
140 Transportation.

141

142 **PLAN OF DEVELOPMENT**

143

POD-81-02
Westminister Canterbury **Austin Brockenborugh & Associates and THW Design for
Expansion – Westbrook Westminster Canterbury Richmond:** Request for approval of a
Avenue plan of development as required by Chapter 24, Section 24-106 of
the Henrico County Code to construct a life care facility. The 38.71-
acre site is located at 1500 and 1600 Westbrook Avenue on parcels
783-742-4699, 784-743-1124 and 6204. The zoning is R-6C,
General Residence District (Conditional). City water and County
sewer. **(Fairfield)**

144

145 Mr. Taylor - Is there anyone in the audience in opposition to POD-81-02, Westminister
146 Canterbury Expansion? No opposition.

147

148 Mr. Archer - Mr. Chairman, I move to approve POD-81-02, Westminister Canterbury
149 Expansion, subject to the annotations on the plan, the standard conditions for developments of this type
150 and additional conditions Nos. 23 through 31.

151

152 Mr. Taylor - Second.

153

154 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Taylor. All in favor
155 say aye...all opposed say nay. The motion carries.

156

157 The Planning Commission approved POD-81-02, Westminister Canterbury Expansion – Westbrook
158 Avenue, subject to the standard conditions attached to these minutes for developments of this type, the
159 annotations on the plan and the following additional conditions:

160

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

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

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

171 26. The proffers approved as a part of zoning case C-5C-02 and provisional use permit case P-3-
172 02 shall be incorporated in this approval.

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

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

178 29. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
179 plans.

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

183 31. The location of all existing and proposed utility and mechanical equipment (including HVAC
184 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
185 identified on the landscape plans. All equipment shall be screened by such measures as
186 determined appropriate by the Director of Planning or the Planning Commission at the time of
187 plan approval.

188

189 Mr. Wilhite - On Page 2 of your addendum there is a revised recommendation for approval
190 for POD-91-02.

191

192 **PLAN OF DEVELOPMENT**

193

POD-91-02

Showbest Fixture

Corporation Addition –

Sarellen Road and Klockner
Drive (POD-15-79 and

POD-40-01 Revised)

Engineering Design Associates for JAS-LCS, LLC and Showbest Fixture Corporation: 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, 38,750 square foot warehouse addition to an existing manufacturing facility. The 5.67-acre site is located on the northeast corner of Sarellen Road and Klockner Drive on parcel 813-712-1636. The zoning is M-1, Light Industrial District. County water and sewer. (**Varina**)

194

195 Mr. Taylor - Is there anyone in the audience in opposition to POD-91-02, Showbest Fixture
196 Corporation Addition? No opposition.

197

198 Mr. Jernigan - Mr. Chairman, I'll make a motion to approve POD-91-02, Showbest Fixtures,
199 subject to the standard conditions for developments of this type, additional conditions Nos. 23 through
200 27 and on the addendum, endorsement by the Henrico County Planning Staff.

201

202 Mr. Archer - Second, Mr. Chairman.

203

204 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Archer. All in
205 favor say aye...all opposed say nay. The motion carries.

206

207 The Planning Commission approved POD-91-02, Showbest Fixture Corporation Addition – Sarellen
208 Road and Klockner Drive (POD-15-79 and POD-40-01 Revised), subject to the standard conditions
209 attached to these minutes for developments of this type, the annotations on the plan and the following
210 additional conditions:

211

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

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

218 25. Deviations from County standards for pavement, curb or curb and gutter design shall be

219 approved by the County Engineer prior to final approval of the construction plans by the
220 Department of Public Works.
221 26. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
222 must be approved by the Department of Public Utilities prior to the issuance of a building
223 permit.
224 27. The location of all existing and proposed utility and mechanical equipment (including HVAC
225 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
226 identified on the landscape plans. All equipment shall be screened by such measures as
227 determined appropriate by the Director of Planning or the Planning Commission at the time of
228 plan approval.
229

230 **PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION**

231 **(Deferred from the November 20, 2002, Meeting)**

232

POD-79-02
Roy's Auto Body Shop
(Rev. POD-92-95)

C. E. Duncan & Associates, Inc. for Edwards Holding: Request for approval of a revised plan of development and transitional buffer deviation, as required by Chapter 24, Section 24-106, 24-106(3) a. and 24-106.2 of the Henrico County Code to construct a one-story, 3,120 square foot addition to an existing auto body shop. The 1.21-acre site is located on the northwest corner of the intersection of Aberdeen Street and Blackstone at 1100 Blackstone Avenue on parcel 784-758-6804. The zoning is M-1, Light Industrial District. County water and sewer. **(Fairfield)**

233

234 Mr. Taylor - Is there anyone in the audience in opposition to POD-79-02, Roy's Auto Body
235 Shop (POD-92-95 Revised)? No opposition.

236

237 Mr. Archer Mr. Chairman, I move approval on the Expedited Agenda, POD-79-02, Roy's
238 Auto Body Shop, subject to the annotations, the standard conditions for developments of this type and
239 the additional conditions Nos. 23 through 28.

240

241 Mr. Jernigan - Second.

242 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Jernigan. All in
243 favor say aye...all opposed say nay. The motion carries.

244

245 The Planning Commission approved POD-79-02, Roy's Auto Body Shop (POD-92-95 Revised),
246 subject to the standard conditions attached to these minutes for developments of this type, the
247 annotations on the plan and the following additional conditions:

248

249 23. The developer shall provide fire hydrants as required by the Department of Public Utilities and
250 Division of Fire.

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

253 25. Deviations from County standards for pavement, curb or curb and gutter design shall be
254 approved by the County Engineer prior to final approval of the construction plans by the
255 Department of Public Works.

256 26. Insurance Services Office (ISO) calculations must be included with the plans and contracts and

257 must be approved by the Department of Public Utilities prior to the issuance of a building
258 permit.
259 27. Approval of the construction plans by the Department of Public Works does not establish the
260 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
261 will be set by Henrico County.
262 28. The location of all existing and proposed utility and mechanical equipment (including HVAC
263 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
264 identified on the landscape plans. All equipment shall be screened by such measures as
265 determined appropriate by the Director of Planning or the Planning Commission at the time of
266 plan approval.
267

268 **PLAN OF DEVELOPMENT**

269

POD-90-02

Airport Self Storage –
520 W. Williamsburg Road

Engineering Design Associates for Julia F. Robins Family Limited Partnership, L. Clarke Jones, Jr., Virginia Anne Jones Dobbins and Camco, 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 self storage warehouse complex consisting of a 73,500 square foot Phase 1, and an 18,000 square foot Phase 2. The 5.23-acre site is located at 520 W. Williamsburg Road (U.S. Route 60) on part of parcel 823-716-7341. The zoning is M-1C, Light Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer.
(Varina)

270

271 Mr. Taylor - Is there anyone in the audience in opposition to POD-90-02, Airport Self
272 Storage? No opposition. Mr. Jernigan.

273

274 Mr. Jernigan - Mr. Chairman, I make a motion to approve POD-90-02, Airport Self Storage,
275 subject to the standard conditions for developments of this type and additional conditions No. 9
276 amended and Nos. 23 through 32.

277

278 Mr. Taylor - Second.

279

280 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Taylor. All in
281 favor say aye...all opposed say nay. The motion carries.

282

283 The Planning Commission approved POD-90-02, Airport Self Storage – 520 W. Williamsburg Road,
284 subject to the standard conditions attached to these minutes for developments of this type, the
285 annotations on the plan and the following additional conditions:

286

287 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review
288 and Planning Commission approval prior to the issuance of any occupancy permits.

289 23. The entrances and drainage facilities on U.S. Route 60 shall be approved by the Virginia
290 Department of Transportation and the County.

291 24. A notice of completion form, certifying that the requirements of the Virginia Department of
292 Transportation entrances permit have been completed, shall be submitted to the Planning Office

293 prior to any occupancy permits being issued.
 294 25. The developer shall provide fire hydrants as required by the Department of Public Utilities and
 295 Division of Fire.
 296 26. The proffers approved as a part of zoning case C-50C-02 shall be incorporated in this
 297 approval.
 298 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form
 299 acceptable to the County Attorney prior to final approval of the construction plans.
 300 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
 301 approved by the County Engineer prior to final approval of the construction plans by the
 302 Department of Public Works.
 303 29. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
 304 must be approved by the Department of Public Utilities prior to the issuance of a building
 305 permit.
 306 30. Approval of the construction plans by the Department of Public Works does not establish the
 307 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
 308 will be set by Henrico County.
 309 31. Approval of the construction plans by the Department of Public Works does not establish the
 310 curb and gutter elevations along the Virginia Department of Transportation maintained right-of-
 311 way. The elevations will be set by the contractor and approved by the Virginia Department of
 312 Transportation.
 313 32. The location of all existing and proposed utility and mechanical equipment (including HVAC
 314 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
 315 identified on the landscape plans. All equipment shall be screened by such measures as
 316 determined appropriate by the Director of Planning or the Planning Commission at the time of
 317 plan approval.

318 **PLAN OF DEVELOPMENT**

319

POD-83-02

The Manor at Hunton Park,
 Semidetached Dwellings on
 Zero Lot Lines

**Foster & Miller, P.C. for RMA/Hunton, L.C. and Builders
 Resource & Development Co., L.P.:** Request for approval of a
 plan of development as required by Chapter 24, Section 24-106 of
 the Henrico County Code to construct 80 semidetached dwellings on
 zero lot lines. The 20.971-acre site is located at the northwest corner
 of the intersection of Mill Road and Long Meadow Drive on parcels
 764-774-7892 and 766-774-0706. The zoning is R-5AC, General
 Residence District (Conditional). County water and sewer.
(Brookland)

320

321 Mr. Wilhite - There is an added condition No. 4 listed on your addendum for this case.

322

323 Mr. Taylor - Is there anyone in the audience in opposition to POD-83-02, The Manor at
 324 Hunton Park? No opposition.

325

326 Mr. Archer - Okay, Mr. Chairman, I move approval on the Expedited Agenda of POD-83-
 327 02, The Manor at Hunton Park, subject to the standard conditions for developments of this type, the
 328 additional conditions Nos. 23 through 33 and adding No. 34 on the addendum.

329

330 Mr. Jernigan - Second.

331

332 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Jernigan. All in
333 favor say aye...all opposed say nay. The motion carries.

334

335 The Planning Commission approved POD-83-02, The Manor at Hunton Park, Semidetached Dwellings
336 on Zero Lot Lines, subject to the standard conditions attached to these minutes for developments of this
337 type, the annotations on the plan and the following additional conditions:

338

339 23. Roof edge ornamental features that extend over the zero lot line, and which are permitted by
340 Section 24-95(i)(1), must be authorized in the covenants.

341 24. Eight-foot private easements for construction, drainage, and maintenance access for abutting
342 lots shall be provided and shown on the POD plans.

343 25. Building permit application requests for individual dwellings shall each include two (2) copies of
344 a layout plan sheet as approved with the plan of development. The developer may utilize
345 alternate building types providing that each may be located within the building footprint shown
346 on the approved plan. Any deviation in building footprint or infrastructure shall require
347 submission and approval of an administrative site plan.\

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

350 27. The proffers approved as a part of zoning case C-48C-01 shall be incorporated in this
351 approval.

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

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

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

360 31. Approval of the construction plans by the Department of Public Works does not establish the
361 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
362 will be set by Henrico County.

363 32. The pavement shall be of an SM-2A type and shall be constructed in accordance with County
364 standard and specifications. The developer shall post a defect bond for all pavement with the
365 Planning Office - the exact type, amount and implementation shall be determined by the Director
366 of Planning, to protect the interest of the members of the Homeowners Association. The bond
367 shall become effective as of the date that the Homeowners Association assumes responsibility
368 for the common areas.

369 33. Provide confirmation of abandonment of VDOT frontage road F-299 prior to recordation of
370 the plat.

371 34. Each building permit application shall include certification that Proffer No. 15 (sound
372 suppression) will be provided.

373

374 **SUBDIVISION**

375

Sadler Glen
(November 2002 Plan)

Foster & Miller, P.C. for Joseph E. Liesfeld, Jr. and JRED, LLC: The 2.723 4.43-acre site is located along the southern line of Interstate 295 on parcels 745-767-6902, 745-766-1855 and 3912. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **5 Lots (Three Chopt)**

376

377 Mr. Wilhite - I would like to point out that on page 3 of your addendum there is a revised
378 recommendation for approval plus added conditions Nos. 15 and 16. Also in your addendum packet
379 there was a revised map and plan included.

380

381 Mr. Taylor - Is there anyone in the audience in opposition to Sadler Glen (November 2002
382 Plan)? No opposition. Therefore, I move approval of Sadler Glen subdivision, subject to the
383 annotations on the plan, the standard conditions for subdivisions served by public utilities and additional
384 conditions Nos. 12, 13, 14, 15 and 16, the comments in the addendum and the revised map.

385

386 Mr. Jernigan - Second.

387

388 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Jernigan. All in
389 favor say aye...all opposed say nay. The motion carries.

390 The Planning Commission granted conditional approval to subdivision Sadler Glen (November 2002
391 Plan) subject to the standard conditions attached to these minutes for subdivisions served by public
392 utilities, the annotations on the plan and the following additional conditions:

393

394 12. The detailed plant list and specifications for the landscaping to be provided within the 25-foot-
395 wide planting strip easement along I-295 shall be submitted to the Planning Office for review
396 and approval prior to recordation of the plat.

397 13. The proffers approved as part of zoning case C-4C-01 shall be incorporated in this approval.

398 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
399 maintenance of the common area by a homeowners association shall be submitted to the
400 Planning Office for review. Such covenants and restrictions shall be in form and substance
401 satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision
402 plat.

403 15. The developer of this subdivision shall use his best effort in working with the developer of
404 Sadler Glen, Section B, to address the future development of the reserved areas within the
405 bounds of Sadler Glen, Section B prior to recordation of the subdivision plat. A portion of Lot
406 1 may need to be held in reserved to accommodate the future development.

407 16. The subdivision plat for Sadler Glen, Section B, containing the dedication of Sadler Glen Lane
408 to the bounds of this development, shall be recorded prior to the recordation of any lots within
409 this portion of Sadler Glen.

410

411 **SUBDIVISION**

412

Herndon Townes, Section A
(December 2002 Plan)

Foster & Miller, P.C. for Robert G. & Brenda R. Herndon & Mountain – Woodman, LLC: The 8.374 acre site is located on the northeast corner of Woodman and Mountain Road (2219 Mountain Road) on part of parcel 776-766-3112, 776-765-5797 and 5984. The zoning is RTHC, Residential Townhouse District (Conditional).

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County water and sewer. **(Fairfield) 70 Lots**

413

414 Mr. Taylor - Is there anyone in the audience in opposition to Herndon Townes, Section A?
415 No opposition.

416

417 Mr. Archer - Mr. Chairman, I move approval on the Expedited Agenda of Herndon Townes,
418 Section A, subject to the annotations on the plan, the standard conditions for subdivisions served by
419 public utilities and additional condition No. 13.

420

421 Mr. Taylor - Second.

422

423 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Taylor. All in favor
424 say aye...all opposed say nay. The motion carries.

425

426 The Planning Commission granted conditional approval to subdivision Herndon Townes, Section A
427 (December 2002 Plan) subject to the standard conditions attached to these minutes for subdivisions
428 served by public utilities, the annotations on the plan, and the following additional condition:

429

430 13. The proffers approved as part of zoning case C-45C-02 shall be incorporated in this approval.

431

432 **PLAN OF DEVELOPMENT**

433

POD-89-02

Herndon Townes, Section A
Mountain Road
(POD-47-02 Revised)

Foster & Miller, P.C. for Robert G. & Brenda R. Herndon and Mountain – Woodman LLC: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 70 townhouse units. The 8.374-acre site is located on the northeast corner of Woodman and Mountain Roads at 2219 Mountain Road on part of parcels 776-766-3112, 776-765-5797 and 5984. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Fairfield)**

434

435 Mr. Taylor - Is there anyone in the audience in opposition to POD-89-02, Herndon Townes,
436 Section A on Mountain Road? No opposition.

437

438 Mr. Archer - Mr. Chairman, I move approval on the Expedited Agenda of POD-89-02,
439 Herndon Townes, Section A, subject to the annotations on the plan, the standard conditions for
440 developments of this type and additional conditions Nos. 9 and 11 amended and Nos. 23 through 38.

441

442 Mr. Jernigan - Second.

443

444 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Jernigan. All in
445 favor say aye...all opposed say nay. The motion carries.

446

447 The Planning Commission approved POD-89-02, Herndon Townes, Section A – Mountain Road
448 (POD-47-02 Revised) subject to the standard conditions attached to these minutes for developments of
449 this type, the annotations on the plan, and the following additional conditions:

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-12-

450

451 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review
452 and Planning Commission approval prior to the issuance of any occupancy permits.

453 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions
454 of light spread and intensity diagrams, and fixture and specifications and mounting height details
455 shall be submitted for Planning Office review and Planning Commission approval.

456 23. The unit house numbers shall be visible from the parking areas and drives.

457 24. The names of streets, drives, courts and parking areas shall be approved by the Richmond
458 Regional Planning District Commission and such names shall be included on the construction
459 plans prior to their approval. The standard street name signs shall be ordered from the County
460 and installed prior to any occupancy permit approval.

461 25. The subdivision plat for **Herndon Townes, Section A** shall be recorded before any **building**
462 **permits** are issued.

463 26. The right-of-way for widening of Mountain Road as shown on approved plans shall be
464 dedicated to the County prior to any occupancy permits being issued. The right-of-way
465 dedication plat and any other required information shall be submitted to the County Real
466 Property Agent at least sixty (60) days prior to requesting occupancy permits.

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

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

475 29. The developer shall provide fire hydrants as required by the Department of Public Utilities and
476 Division of Fire.

477 30. The proffers approved as a part of zoning case C-45C-02 shall be incorporated in this
478 approval.

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

481 32. Deviations from County standards for pavement, curb or curb and gutter design shall be
482 approved by the County Engineer prior to final approval of the construction plans by the
483 Department of Public Works.

484 33. The pavement shall be of an SM-2A type and shall be constructed in accordance with County
485 standard and specifications. The developer shall post a defect bond for all pavement with the
486 Planning Office - the exact type, amount and implementation shall be determined by the Director
487 of Planning, to protect the interest of the members of the Homeowners Association. The bond
488 shall become effective as of the date that the Homeowners Association assumes responsibility
489 for the common areas.

490 34. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
491 plans.

492 35. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
493 must be approved by the Department of Public Utilities prior to the issuance of a building
494 permit.

495 36. Approval of the construction plans by the Department of Public Works does not establish the
496 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations

497 will be set by Henrico County.
498 37. The location of all existing and proposed utility and mechanical equipment (including HVAC
499 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
500 identified on the landscape plans. All equipment shall be screened by such measures as
501 determined appropriate by the Director of Planning or the Planning Commission at the time of
502 plan approval.
503 38. Perimeter buffer landscaping shall satisfy the perimeter buffer standard contained in the Multi-
504 family Development Guidelines adopted by the Board of Supervisors on **November 28, 2000**,
505 at the time of landscape plan review.
506

507 **PLAN OF DEVELOPMENT**

508

509 510 POD-86-02 511 Carmax – Richmond 512 Expansion – Sadler Road	Foster & Miller, P.C. for Morrell Family, LLC and Carmax: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a vehicle parking and storage lot and a 1,768 square foot vehicle inspection building for auctions. The 3.8-acre site is located on the southeast corner of Sadler and Old Sadler Roads on part of parcel 746-761-5525. The zoning is B-3C, Business District (Conditional). (Three Chopt)
---	---

509

510 Mr. Taylor - Is there anyone in the audience in opposition to POD-86-02, Carmax –
511 Richmond Expansion on Sadler Road? No opposition. Therefore, I will recommend approval of
512 POD-86-02, Carmax – Richmond Expansion, subject to the annotations on the plan, the standard
513 conditions for developments of this type and additional conditions Nos. 9 and 11 amended and Nos. 23
514 through 33.

515

516 Mr. Jernigan - Second.

517

518 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Jernigan. All in
519 favor say aye...all opposed say nay. The motion carries.

520

521 The Planning Commission approved POD-86-02, Carmax – Richmond Expansion – Sadler Road,
522 subject to the standard conditions attached to these minutes for developments of this type, the
523 annotations on the plan, and the following additional conditions:

524

525 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review
526 and Planning Commission approval prior to the issuance of any occupancy permits.

527 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions
528 of light spread and intensity diagrams, and fixture and specifications and mounting height details
529 shall be submitted for Planning Office review and Planning Commission approval.

530 23. The right-of-way for widening of Sadler Road and Old Sadler Road as shown on approved
531 plans shall be dedicated to the County prior to any occupancy permits being issued. The right-
532 of-way dedication plat and any other required information shall be submitted to the County Real
533 Property Agent at least sixty (60) days prior to requesting occupancy permits.

534 24. The easements for drainage and utilities as shown on approved plans shall be granted to the
535 County in a form acceptable to the County Attorney prior to any occupancy permits being

536 issued. The easement plats and any other required information shall be submitted to the County
 537 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
 538 25. The developer shall provide fire hydrants as required by the Department of Public Utilities and
 539 Division of Fire.
 540 26. All repair work shall be conducted entirely within the enclosed building.
 541 27. Outside storage shall not be permitted except for automobiles, vans, sport utility vehicles and
 542 trucks not exceeding an empty weight of 10,000 pounds, shall not be permitted.
 543 28. The proffers approved as a part of zoning case C-56C-02 shall be incorporated in this
 544 approval.
 545 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form
 546 acceptable to the County Attorney prior to final approval of the construction plans.
 547 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
 548 approved by the County Engineer prior to final approval of the construction plans by the
 549 Department of Public Works.
 550 31. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
 551 must be approved by the Department of Public Utilities prior to the issuance of a building
 552 permit.
 553 32. Approval of the construction plans by the Department of Public Works does not establish the
 554 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
 555 will be set by Henrico County.
 556 33. The location of all existing and proposed utility and mechanical equipment (including HVAC
 557 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
 558 identified on the landscape plans. All equipment shall be screened by such measures as
 559 determined appropriate by the Director of Planning or the Planning Commission at the time of
 560 plan approval.
 561

562 **SUBDIVISION**

563

Pemberton Crossing,
 Section A
 (December 2002 Plan)
 Pemberton Road

**Foster & Miller, P.C. for Gail M. and Llewellyn Held, Jr. and
 The Pemberton Group, LLC:** The 8.318 acre site is located on the
 east line of Pemberton Road approximately 300 feet south of its
 intersection with Mayland Drive on parcel 753-756-8642. The
 zoning is R-5AC, General Residence District (Conditional). County
 water and sewer. **(Three Chopt) 31 Lots**

564

565 Mr. Wilhite - There are three additional conditions listed for this subdivision in your
 566 addendum.

567

568 Mr. Taylor - Is there anyone in the audience in opposition to subdivision Pemberton
 569 Crossing, Section A? No opposition. Therefore, I'll recommend approval of Pemberton Crossing,
 570 Section A, subject to the annotations on the plans and the standard conditions for subdivisions served
 571 by public utilities and the additional conditions Nos. 12, 13, and 14 on the addendum.

572

573 Mr. Jernigan - Second.

574

575 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Jernigan. All in
 576 favor say aye...all opposed say nay. The motion carries.

577

578 The Planning Commission granted conditional approval to subdivision Pemberton Crossing, Section A
579 (December 2002 Plan) on Pemberton Road, subject to the standard conditions attached to these
580 minutes for subdivisions served by public utilities, the annotations on the plan and the following
581 additional conditions:

582

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

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

586 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
587 maintenance of the common area by a homeowners association shall be submitted to the
588 Planning Office for review. Such covenants and restrictions shall be in form and substance
589 satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision
590 plat.

591

592 **PLAN OF DEVELOPMENT**

593

POD-92-02

Pemberton Crossing,
Section A – Pemberton Rd.

**Foster & Miller, P.C. for Gail M. and Llewellyn Held, Jr. and
The Pemberton Group, LLC:** Request for approval of a plan of
development as required by Chapter 24, Section 24-106 of the
Henrico County Code to construct 31 single family residential zero lot
line homes. The 8.343-acre site is located on the east line of
Pemberton Road (State Route 157), approximately 300 feet south of
the intersection of Pemberton Road and Mayland Drive on parcel
753-756-8642. The zoning is R-5AC, General Family Residence
District (Conditional). County water and sewer. **(Three Chopt)**

594

595 Mr. Wilhite - The staff is recommending the change to condition No. 9 to 9A to require the
596 landscape plan to come back to Planning Commission approval and also additional conditions Nos. 23
597 through 38 have been added on your addendum.

598

599 Mr. Taylor - Is there anyone in the audience in opposition to POD-92-02, Pemberton
600 Crossing, Section A? No opposition. Therefore, I'll move approval of POD-92-02, Pemberton
601 Crossing, Section A, subject to the annotations on the plan, the standard conditions for developments of
602 this type, No. 9 amended and additional conditions Nos. 23 through 38.

603 Mr. Jernigan - Second.

604

605 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Jernigan. All in
606 favor say aye...all opposed say nay. The motion carries.

607

608 The Planning Commission approved POD-92-02, Pemberton Crossing, Section A – Pemberton Road,
609 subject to the standard conditions attached to these minutes for developments of this type, the
610 annotations on the plan, and the following additional conditions:

611

612 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review
613 and Planning Commission approval prior to the issuance of any occupancy permits.

614 23. The subdivision plat for Pemberton Crossing, Section A shall be recorded before any building

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615 permits are issued.

616 24. The right-of-way for widening of Pemberton Road as shown on approved plans shall be
617 dedicated to the County prior to any occupancy permits being issued. The right-of-way
618 dedication plat and any other required information shall be submitted to the County Real
619 Property Agent at least sixty (60) days prior to requesting occupancy permits.

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

624 26. The entrances and drainage facilities on Pemberton Road (State Route 157) shall be approved
625 by the Virginia Department of Transportation and the County.

626 27. A notice of completion form, certifying that the requirements of the Virginia Department of
627 Transportation entrances permit have been completed, shall be submitted to the Planning Office
628 prior to any occupancy permits being issued.

629 28. The developer shall provide fire hydrants as required by the Department of Public Utilities and
630 Division of Fire.

631 29. The proffers approved as a part of zoning case C-8C-02 shall be incorporated in this approval.

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

634 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
635 approved by the County Engineer prior to final approval of the construction plans by the
636 Department of Public Works.

637 32. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
638 must be approved by the Department of Public Utilities prior to the issuance of a building
639 permit.

640 33. Approval of the construction plans by the Department of Public Works does not establish the
641 curb and gutter elevations along the Virginia Department of Transportation maintained right-of-
642 way. The elevations will be set by the contractor and approved by the Virginia Department of
643 Transportation.

644 34. The pavement shall be of an SM-2A type and shall be constructed in accordance with County
645 standard and specifications. The developer shall post a defect bond for all pavement with the
646 Planning Office - the exact type, amount and implementation shall be determined by the Director
647 of Planning, to protect the interest of the members of the Homeowners Association. The bond
648 shall become effective as of the date that the Homeowners Association assumes responsibility
649 for the common areas.

650 35. Roof edge ornamental features that extend over the zero lot line, and which are permitted by
651 Section 24-95(i)(1), must be authorized in the covenants.

652 36. Eight-foot easements for construction, drainage, and maintenance access for abutting lots shall
653 be provided and shown on the POD plans.

654 37. Building permit request for individual dwellings shall each include two (2) copies of a layout plan
655 sheet as approved with the plan of development. The developer may utilize alternate building
656 types providing that each may be located within the building footprint shown on the approved
657 plan. Any deviation in building footprint or infrastructure shall require submission and approval
658 of an administrative site plan

659 38. Architectural plans for this development must meet the standards of the April 24, 1995,
660 Planning memo of Zero Lot Line Development Standards. The standard memo addresses the
661 building relationship to the zero lot line and include: minimum percentage of wall on the zero lot

662 line, number, size and location of window and door openings in first and second floors and
663 height and setbacks for fences abutting decks.

664

665 **PLAN OF DEVELOPMENT**

666

POD-87-02

The Shoppes @ Staples Mill
Staple Mill Road
(U.S. Route 33)

E. D. Lewis & Associates, for Northgate Associates, LLC and Gugini LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 24,592 square foot neighborhood shopping center. The 3.181-acre site is located on the west side of Staples Mill Road (U.S. Route 33) at the intersection of Staples Mill Road (U.S. Route 33) and Hermitage Road on parcel 771-752-0193. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

667

668 Mr. Taylor - Is there anyone in the audience in opposition to POD-87-02, The Shoppes @
669 Staples Mill on Staple Mill Road? There is opposition, therefore we will take POD-87-02 off of the
670 Expedited Agenda and we will hear from the opposition when we get to that project on the regular
671 agenda. All right. Mr. Secretary.

672

673 **THIS CASE WAS REMOVED FROM THE EXPEDITED AGENDA AND MOVED TO**
674 **THE REGULAR AGENDA DUE TO OPPOSITION. THIS CASE CONTINUES ON PAGE**
675 **25 OF THESE MINUTES.**

676

677 Mr. Marles - Mr. Chairman, our first case on the regular agenda starts on page 2. POD-93-
678 02, The Villas @ Oakland Chase Midview Road.

679 **PLAN OF DEVELOPMENT, LIGHTING PLAN & SPECIAL EXCEPTION**

680

POD-93-02

The Villas @ Oakland Chase
Midview Road

TIMMONS for Oakland Chase Associates, LLC: Request for approval of a plan of development, lighting plan and a special exception for three-story and four story buildings, as required by Chapter 24, Sections 24-106, 24-2 and 24-94 of the Henrico County Code, to construct 16, three-story apartment buildings and 10, four-story apartment buildings, totaling 332 units. The 25.8-acre site is located on the west line of Midview Road, approximately 700 feet south of its intersection with Darbytown Road on parcel 807-705-5743 and part of 806-704-4472. The zoning is R-5C, General Residence District. County water and sewer. **(Varina)**

681

682 Mr. Taylor - Is there anybody in the audience opposed to POD-93-02, The Villas @
683 Oakland Chase? No opposition. Mrs. News.

684

685 Ms. News - Good morning, Mr. Chairman and members of the Commission. Revised
686 annotated plans and additional conditions for this project have been included in your addendum. All of
687 staff's comments have been addressed and staff can recommend approval. I would like to highlight the
688 key revisions. This site is being developed in accordance with the proffered layout and conditions of
689 zoning case C-64C-02 formerly known as Dakota Estates. Many of the original annotations on the

690 staff plan were made to bring the plan into conformance with the proffers of this case. The approval
691 requires approval of a special exception to allow construction of three and four story buildings. The
692 four story buildings are actually three stories in front and an additional story is provided at the rear in
693 cases where the grade drops substantially. This occurs toward the back portion of the site and around
694 the BMP or the wet pond.

695

696 The buildings conform to the proffered elevations for the zoning case. The buildings appear to meet the
697 35-foot height requirement, but the applicant has asked that the special exception be approved for
698 stories as well as height in the event that the actual height slightly exceeds 35 feet when the details are
699 finalized. The elevation shows brick for the first story of all buildings as well as on the basement stories.
700 Additionally, certain prominent façades, and the entire clubhouse facility will be all brick per the
701 proffered conditions. The clubhouse floor plan will be reversed to orient the maintenance doors away
702 from Midview Road and internal to the site. All other architectural requirements have been met. To
703 satisfy the requirements of Building Inspections and the Division of Fire, and to address fire flow
704 requirements, all of the buildings will have complete sprinkler systems.

705

706 The applicant has made several minor revisions to the layout at the request of staff including sidewalk
707 connections, additional screening areas around the dumpsters and provision of a six-foot, vinyl clad,
708 chain link fence along the northern property line, at the request of the Division of Police. A six-foot,
709 wooden, screen fence with brick columns is to be provided along the southern property line in
710 accordance with the proffers. Additionally, the applicant has been working with the staff to revise the
711 design of the BMP and create an attractive water feature with a fountain, mulch trails and extensive
712 landscaping. Many of the details for the design of this area will be resolved with the landscape plan
713 submission. Details for the two passive recreation areas, currently shown as concrete pads, will also be
714 addressed with the landscape plan. Number 9 amended has been recommended to allow the
715 Commission to review the final plan.

716

717 The lighting plan has been removed from the request for approval to allow the applicant additional time
718 to address staff's comments on the lighting plans. The applicant has indicated intent to comply with the
719 staff's recommendations including recommendations from the Division of the Police. With that said, and
720 with the Planning Commission's approval of the special exception for height and additional stories, staff
721 can recommend approval of the revised plans subject to the conditions in the agenda and the additional
722 conditions in the addendum. I'll be happy to answer any questions and the applicant's representatives
723 are also present.

724

725 Mr. Taylor - Are there any questions for Ms. News?

726

727 Mr. Jernigan - I don't have any questions. Ms. News, as usual, has cleared up everything
728 before the meeting. We did have a couple of questions for the concrete pads for the recreation area
729 and the BMP design and she has gotten that straight since yesterday. So, I so want to say, Leslie, you
730 did an excellent job on this. This has been a long case and it was a lot of detail and took a lot of work.
731 And also, young man I don't know your name, with TIMMONS, but I would like to say that you did an
732 excellent job too.

733

734 Ms. News - His name is Scott Collins, for the record.

735

736 Mr. Jernigan - Scott Collins. All right we have to make a special exception for the three and

737 four stories as the first motion. So, with that Mr. Chairman, I will move for a special exception for three
738 and four story buildings on POD-93-02, The Villas @ Oakland Chase.

739

740 Mr. Archer - Second, Mr. Chairman.

741

742 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Archer. All in
743 favor say aye...all opposed say nay. The motion carries.

744

745 The Planning Commission approved the special exception for three and four stories buildings for POD-
746 93-02, The Villas @ Oakland Chase on Midview Road.

747

748 Mr. Jernigan - And, Mr. Chairman, I would like to make a motion to approve POD-93-02,
749 The Villas @ Oakland Chase, subject to the standard conditions for developments of this type and the
750 following additional conditions Nos. 23 through 34 and on the addendum No. 9 amended and Nos. 35,
751 36 and 37.

752

753 Mrs. Ware - And 11B.

754

755 Mr. Jernigan - Eleven B was deleted and that is the recommendation from the staff on the
756 addendum.

757

758 Mrs. Ware - Okay.

759

760 Mr. Taylor - I'll second that motion. The motion was made by Mr. Jernigan and seconded
761 by Mr. Taylor. All in favor say aye...all opposed say nay. The motion carries.

762

763 The Planning Commission approved POD-93-02, The Villas @ Oakland Chase on Midview Road,
764 subject to the standard conditions attached to these minutes for developments of this type, the
765 annotations on the plan, and the following additional conditions:

766

767 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review
768 and Planning Commission approval prior to the issuance of any occupancy permits.

769 23. The right-of-way for widening of Midview Road as shown on approved plans shall be
770 dedicated to the County prior to any occupancy permits being issued. The right-of-way
771 dedication plat and any other required information shall be submitted to the County Real
772 Property Agent at least sixty (60) days prior to requesting occupancy permits.

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

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

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

783 27. The proffers approved as a part of zoning case C-64C-02 shall be incorporated in this

784 approval.

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

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

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

793 31. Approval of the construction plans by the Department of Public Works does not establish the
794 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
795 will be set by Henrico County.

796 32. The owners shall not begin clearing of the site until the following conditions have been met:
797

798 (a) The site engineer shall conspicuously illustrate on the plan of development or subdivision
799 construction plan and the Erosion and Sediment Control Plan, the limits of the areas to
800 be cleared and the methods of protecting the required buffer areas. The location of
801 utility lines, drainage structures and easements shall be shown.

802 (b) After the Erosion and Sediment Control Plan has been approved but prior to any
803 clearing or grading operations of the site, the owner shall have the limits of clearing
804 delineated with approved methods such as flagging, silt fencing or temporary fencing.

805 (c) The site engineer shall certify in writing to the owner that the limits of clearing have been
806 staked in accordance with the approved plans. A copy of this letter shall be sent to the
807 Planning Office and the Department of Public Works.

808 (d) The owner shall be responsible for the protection of the buffer areas and for replanting
809 and/or supplemental planting and other necessary improvements to the buffer as may be
810 appropriate or required to correct problems. The details shall be included on the
811 landscape plans for approval.

812 33. The location of all existing and proposed utility and mechanical equipment (including HVAC
813 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
814 identified on the landscape plans. All equipment shall be screened by such measures as
815 determined appropriate by the Director of Planning or the Planning Commission at the time of
816 plan approval.

817 34. Trash pickup, parking lot cleaning and leaf blowing on the property shall be limited to the hours
818 of 7:00 a.m. to 8:00 p.m., Monday through Saturday.

819 35. The unit house numbers shall be visible from the parking areas and drives.

820 36. The names of streets, drives, courts and parking areas shall be approved by the Richmond
821 Regional Planning District and such names shall be included on the construction plans prior to
822 their approval. The standard street name signs shall be ordered from the County and installed
823 prior to any occupancy permit approval.

824 37. Details for the gate and locking device at the emergency access road shall be approved by the
825 County Fire Marshall. The owner or owner's contractor shall contact the County Fire Marshall
826 prior to completion of the fence installation to test and inspect the operation of the gates.
827 Evidence of the Fire Marshall's approval shall be provided to the Planning Office by the owner
828 prior to issuance of occupancy permits.
829
830

830 **SUBDIVISION**

831

Sadler Place
(November 2002 Plan)

Foster & Miller, P.C. for Joseph E. Liesfeld, Jr. and JRED, LLC: The ~~14.74~~ **26.24**-acre site is located along the south line of Interstate 295 and at the northern terminus of Sadler Grove Road on part of parcels 745-766-3912 and 1855 and part of parcel 745-767-6902. The zoning is R-3C, One-Family Residence District (Conditional), C-1, Conservation District and A-1, Agricultural District. County water and sewer. **32 Lots (Three Chopt)**

832

833 Mr. Taylor - Is there anyone in the audience in opposition to subdivision Sadler Place? No
834 opposition. Mr. Wilhite.

835

836 Mr. Wilhite - This item is also addressed on page 3 of your addendum. There is a revised
837 map and plan included in your packet as well as a change in the caption. The revised plan includes now
838 all the land located from the creek to the boundary of the adjacent, existing, McDonald's Small Farm
839 subdivision. There was an increase in acreage from 14.74 acres to 26.24 acres. This land will be held
840 in reserve at this point. Also, the revised plan refers to a request for a transitional buffer deviation.
841 Adjacent to the existing C-1 floodplain, there is a transitional buffer 35 required by Code. The
842 applicant is requesting that this buffer be eliminated and in its place has proposed conditions to be
843 placed in the restrictive covenants dealing with the removal of trees and the placement of accessory
844 structures in this area. A copy of that request is in your addendum package as well and staff can
845 support it.

846

847 Also, on page 3 of your addendum there is a revised recommendation for approval based on the
848 revised plan with the annotations on it and the conditions listed. I'll be happy to answer any questions
849 you may have.

850

851 Mr. Taylor - Are there any questions for Mr. Wilhite?

852

853 Mr. Marles - Mr. Wilhite, will the Commission have to take a separate motion on that buffer
854 deviation request?

855

856 Mr. Wilhite - Yes, sir.

857

858 Mr. Taylor - The first motion I will make is to approve the deviation on the transitional buffer
859 for Sadler Place.

860

861 Mr. Jernigan - Second.

862

863 Mr. Taylor - The motion was made by Mr. Taylor and seconded Mr. Jernigan. All in favor
864 say aye...all opposed say nay. The motion carries.

865

866 The Planning Commission approved the request for the transitional buffer deviation for subdivision
867 Sadler Place (November 2002 Plan).

868 Mr. Taylor - Now for the basic approval of the case. I recommend approval subject to the
869 annotations to the plan, the standard conditions for subdivisions served by public utilities, and additional

870 conditions Nos. 12 through 16.

871

872 Mr. Jernigan - Second.

873

874 Mr. Taylor - The motion was made by Mr. Taylor and seconded Mr. Jernigan. All in favor
875 say aye...all opposed say nay. The motion carries.

876

877 The Planning Commission granted conditional approval to subdivision Sadler Place (November 2002
878 Plan) subject to the standard conditions attached to these minutes for subdivisions served by public
879 utilities, and the following additional conditions:

880

881 12. Prior to requesting final approval, the engineer shall furnish the Planning Staff a plan showing a
882 dwelling situated on Lot 19, Block A, to determine if the lot design is adequate to meet the
883 requirements of Chapter 24, of the Henrico County Code.

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

887 14. A County standard sidewalk shall be constructed along the north and south sides of Sadler
888 Grove Road.

889 15. The proffers approved as part of zoning case C-4C-01 shall be incorporated in this approval.

890 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
891 maintenance of the common area by a homeowners association shall be submitted to the
892 Planning Office for review. Such covenants and restrictions shall be in form and substance
893 satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision
894 plat.

895

896 **REMOVED FROM THE EXPEDITED AGENDA - CONTINUED FROM PAGE 19**

897

898 **PLAN OF DEVELOPMENT**

899

POD-87-02

The Shoppes @ Staples Mill
Staple Mill Road (U.S. Route
33)

**E. D. Lewis & Associates, for Northgate Associates, LLC and
Gugini LLC:** Request for approval of a plan of development, as
required by Chapter 24, Section 24-106 of the Henrico County
Code, to construct a one-story, 24,592 square foot neighborhood
shopping center. The 3.181-acre site is located on the west side of
Staples Mill Road (U.S. Route 33) at the intersection of Staples Mill
Road (U.S. Route 33) and Hermitage Road on parcel 771-752-
0193. The zoning is B-2C, Business District (Conditional). County
water and sewer. **(Brookland)**

900

901

902 Mr. Taylor - There is opposition to this case. In a few minutes you will have the opportunity
903 to present your opposition. And will you have one, two or three spokespersons?

904

905 Lady in Aud. - Can all four come up?

906

907 Mr. Taylor - No. We only allow one spokesman for the group and you have ten minutes.

December 18, 2002

-23-

908 What we can allow, with the one speaker, anything left over from the original ten minutes if one of you
909 ladies doesn't think the speaker adequately covered it or you would wish to say something you will be
910 free to do that with the remaining time.

911

912 Lady in Aud. - We are not so much opposed of it, we just want to know more details.

913

914 Mr. Taylor - Okay. Go ahead, Mr. Cooper.

915

916 Mr. Cooper - Good morning, members of the Commission. As the secretary had mentioned
917 this plan of development is for a neighborhood shopping center located near the intersection of Staples
918 Mill Road and Hermitage Road. This parcel was conditionally rezoned in August of this year and with
919 the conditions of the rezoning, the applicant has provided a required 30-foot buffer and a six-foot fence
920 along the western property line to screen the shopping center from the adjacent neighborhood. The
921 applicant has also worked diligently with staff to address all other staff recommendations and concerns
922 and at this time staff can recommend approval of this plan.

923

924 Mr. Taylor - Are there any questions for Mr. Cooper from Commission members?

925

926 Mr. Jernigan - Mike, did you get any calls on this?

927

928 Mr. Cooper - No, sir. Actually, I was not aware of any opposition prior to today.

929

930 Mr. Taylor - And as the lady said it's not strictly opposition. They just have some questions.
931 So, I think we will go ahead and clarify their points. Thank you, Mike. Ma'am, if you would please
932 come up to the podium and identify yourself for the record.

933

934 Mr. Archer - Mr. Chairman, perhaps we should hear from the applicant first.

935

936 Mr. Taylor - Oh, I'm sorry. Ma'am, let us hear from the applicant first. That was my error.

937

938 Mr. Lewis - My name is Monty Lewis and I'm with E. D. Lewis & Associates representing
939 the applicant on this manner.

940

941 Mr. Archer - Mr. Lewis, do you think you need any rebuttal time?

942

943 Mr. Lewis - I might.

944

945 Mr. Taylor - Mr. Lewis, we have some time this morning, it's only 9:33 a.m. We can go to
946 noon, if you must.

947

948 Mr. Lewis - As you may recall this was recently rezoned in August. The site plan that's
949 coming up on the screen is the plan that was presented during the rezoning. We have followed that plan
950 fairly close to the existing layout that you see before you. The only difference is in the back they are
951 showing 19 parking spaces. We have reduced that down to about four. The size of the building was
952 proffered 30,000 square feet, maximum. We have got that down to 23,792 square feet. The building
953 has shifted. The left-hand side has shifted toward the right-hand side due to – we have a floodplain
954 over there. We are required 96 parking spaces and we are providing 117. We have met all of the

955 setback requirements for the building from the zoning case. We do have a 30-foot buffer in the back
956 that we have provided. We have kept the BMP out of that, if you see it, look on your site plan. The
957 original BMP that's shown on the zoning case shows a BMP basin. Our BMP is all underground. The
958 basin in the back, that you see, is for retention only, and that just supplement the underground retention
959 that we have in the pipes. So, that's the basin that will fill up and will discharge in one day and be dry.

960

961 The zoning condition requires that we have six-foot-high solid vinyl fence which we have shown on our
962 plans. We had to present a schematic landscape plan which the ladies probably have a question about
963 as part of our POD, but the full landscape plan will be coming to the staff or to the Commission, if you
964 would like to see that since it is to a residential area. We have no problem coming back to the
965 Commission for that. We did have to grade in one area. If you would look at your plan, it's on the
966 right-hand side, top right, which the zoning condition does allow to grade into that area, that's because
967 of the topo of the site. At that point, the building is about nine feet below grade that's why we have
968 grading in that area. That's going to be supplemented with landscaping with staff's approval and the
969 Planning Commission's approval.

970

971 The dumpsters are still in the back but we have located them more to a central location for the entire
972 building, it's almost centered up with the building. The portion on the right is going to be Roma's
973 Restaurant (referring to rendering on the screen). Tony Gionbarko is the developer and that is going to
974 be his restaurant. At this point I don't know what tenants he have lined up for the rest of the units.
975 With that, I'll be glad to answer any question. I would like to add, on Friday I went though the
976 neighborhood trying to distribute my plan because I knew that the County would be notifying the people
977 but they wouldn't be getting a plan to look at so I sent them a copy of my site plan plus the size of the
978 building so that they could see what that would like. They only have the front elevation, and the back
979 elevation is the same material same color. By the zoning conditions, we have to screen the HVAC units
980 on top of the building. And with that I'm open for any questions you may have.

981

982 Mr. Marlles - Mr. Lewis, how close is the rear of the building to the rear property line at the
983 closest point?

984

985 Mr. Lewis - I believe it's 60 feet. Yes, sir, it's just a tad over 60 feet, actually 61 feet, and
986 the closest point is on the right-hand side of your plan and that's next to the Crowder's property. As
987 we get down to the Yates' property we are farther away, I would say we are probably in the
988 neighborhood of maybe 70, no, excuse me I'm sorry, probably about 130 feet away because it is not
989 parallel with the back line, it's more parallel with Staples Mill Road.

990

991 Mr. Marlles - Are there any restrictions on the hours that the dumpsters can be emptied?

992

993 Mr. Lewis - Yes, sir. The zoning conditions restricts them to Monday through Friday, seven
994 to eight, I believe, and then Saturday, eight to eight. Let me check that. It's 7:00 a.m. to 9 p.m.
995 Monday thru Friday and 8:00 a.m. to 9:00 p.m. on Saturday.

996

997 Mr. Cooper - That's seven to eight, Monday thru Friday.

998

999 Mr. Lewis - I'm sorry, seven to eight, Monday thru Friday.

1000

1001 Mr. Cooper - It's 7:00 a.m. to 8:00 p.m., Monday thru Friday and 9:00 a.m. to 8:00 p.m. on

1002 Saturday.

1003

1004 Mr. Lewis - That was, again, a condition they agreed to during zoning. It's not a part of the
1005 POD process but I think, if I am correct, you can put that as an additional condition on the time of pick
1006 up.

1007

1008 Mr. Archer - I don't think it is necessary with it being in the zoning conditions.

1009

1010 Mrs. Ware - The image that we are being shown now is different from what we have been
1011 given.

1012

1013 Mr. Lewis - Yes, ma'am. This is the layout that was presented with the zoning case. My
1014 layout is less building and we have fewer parking spaces in the rear of the building and we don't have an
1015 above ground BMP we have an above ground retention basin.

1016

1017 Mrs. Ware - This that we have (referring to sheet) is the more recent one.

1018

1019 Mr. Lewis - Yes, ma'am.

1020

1021 Mrs. Ware - What are the two black colored in rectangular drawings at the back of the
1022 property? What do they represent?

1023

1024 Mr. Lewis - They are dumpster pads.

1025

1026 Mrs. Ware - Those are the dumpster pads. So, the dumpster pads with the rezoning case
1027 were away from the neighbors on the side?

1028

1029 Mr. Lewis - It was closer to the neighbor who is on the right-hand side, the Crowder
1030 property and now it's behind the Gibson's property. The enclosures do meet the zoning requirements
1031 which had to be a block in brick enclosure with the wooden gates on the front with the heavy hinges.

1032

1033 Mrs. Ware - And then beyond that you have the 30- foot buffer.

1034

1035 Mr. Lewis - Yes, ma'am.

1036

1037 Mr. Marles - Mr. Lewis, could you point out where the fence will be located. I think that will
1038 be helpful for the audience.

1039

1040 Mr. Lewis - The fence is right at the back property line. It's going to be approximately two
1041 or three feet off of the property line. And it runs one end of the property all the way down to the
1042 floodplain.

1043

1044 Mr. Taylor - The note on the plan, Mr. Lewis, shows it's a six-foot-high white vinyl fence. Is
1045 that an opaque type fence or is that just split rail or rail?

1046

1047 Mr. Lewis - No you can't see through it, it's solid. That's what was proffered in the zoning
1048 case.

1049

1050 Mr. Taylor - I think we saw the elevation of that when it was first proffered.

1051

1052 Mr. Lewis - I gave Michael a small 8 ½ x 11 detail of what that might look like and that is
1053 going to be before you with the landscape plan also with the exact details.

1054

1055 Mrs. Ware - Is that on the level with the building, the land, the topography, is it straight back
1056 there. Does it goes down or up?

1057

1058 Mr. Lewis - On the right-hand side of the building it's nine feet below the existing grade. As
1059 it works to the left it comes out to the existing grade because the land slopes from right to left. So, on
1060 the right-hand side you will have a six-foot-high fence, nine feet down to the building and then the
1061 building.

1062

1063 Mrs. Ware - Okay. So, the dumpster pads are going to be below the level of the fence side?

1064

1065 Mr. Lewis - At that point, the dumpster pad is only about one foot below the grade of the
1066 adjacent property.

1067

1068 Mr. Taylor - Mr. Lewis, on the plan, right adjacent to that dumpster pad, to follow along
1069 with Mrs. Ware's comments. There looks to be a large existing tree and three trees that are adjacent to
1070 it. Is that true?

1071

1072 Mr. Lewis - That is a proposed tree. And keep in mind, that schematic landscape plan and
1073 the detailed landscape plan will come back.

1074

1075 Mr. Taylor - But that will affectively shield the dumpster from the Gibson's property.

1076

1077 Mr. Lewis - Yes, sir. That was the idea behind having those around it.

1078

1079 Mr. Taylor - When the landscape plan comes back are you going to intensify the plantings
1080 along that back fence?

1081

1082 Mr. Lewis - Yes, sir. Right now a lot of that area in the back 30 feet even the place where
1083 we are not clearing it, is a lot of shrub material that is not good material that would help block this view.
1084 So, there might be some additional plantings behind like the Yates and the Gibson residence that need
1085 to be put in. Once the staff goes out there and see what's in that buffer that is left we have to
1086 supplement that with landscaping.

1087

1088 Mr. Taylor - In there, what you describe as shrubs, are there any trees of sufficient caliber
1089 that they may warrant keeping?

1090

1091 Mr. Lewis - There might be. We haven't gone out there and located all of the tree in there
1092 but just visually what I can see back there, there are a couple of nice trees I'll say that are eight inch in
1093 diameter.

1094

1095 Lady from Aud - There's one in our back yard. There are several old trees.

1096

1097 Mr. Lewis - There is one old tree that you will see on the site plan that is approximately 100
1098 feet from the back property line that is in the parking lot.

1099

1100 Mr. Taylor - Excuse me. What I would like to do, for the record because what happens
1101 when the audience speaks our microphones may not pick up the questions. It will only pick up the
1102 answers that Mr. Lewis is giving but not the questions. So, I would like for you to reserve those
1103 questions until it is your turn and then we can get the dialog on the record. But at this point we are only
1104 getting one side of it.

1105

1106 Mr. Lewis - That orange dot shows that large tree (referring to rendering). We did pick that
1107 up in our survey.

1108

1109 Mr. Taylor - But what I wanted to point out, this will still come back to staff for landscaping,
1110 so we will have another opportunity at landscaping. Mr. Vanarsdall was very conscience of the tree
1111 buffer between this particular development and the neighbors. So, I think that's something we would
1112 want to work out when we get to that point.

1113

1114 Mr. Lewis - The large existing tree where the orange dot is showing up, that unfortunately is
1115 in our parking lot and will be removed. That's not in the buffer.

1116

1117 Mr. Taylor - Mr. Lewis, in that regard, when we come back to the landscaping phase, and
1118 noted that Mr. Vanarsdall is not here, would you expect to meet with the adjacent neighbors to go over
1119 the landscaping plan so that they will know what they have got and have an opportunity to what type of
1120 trees they may want and which ones they would like to save and then work around whatever is there as
1121 tree save and then supplement that as necessary to provide a good screen for them.

1122

1123 Mr. Lewis - Right. The whole buffer is for them it's not for us.

1124

1125 Mr. Taylor - I think that the white fence that we have seen samples of, is quite a good
1126 product and I think that will shield them significantly. But having a nice green buffer in there will do
1127 many good things to reducing the noise the comes from the shopping center over a period of time.

1128

1129 Mr. Archer - I do have one more question before you sit down. You did indicate it before,
1130 but would you repeat, again, the materials for the dumpster pads.

1131

1132 Mr. Lewis - Brick on the outside to match the building and then on the interior of it where
1133 the actual can sets is a block.

1134

1135 Mr. Archer - But the exterior of it will be brick.

1136

1137 Mr. Lewis - Yes, sir.

1138

1139 Mr. Archer - Thank you.

1140

1141 Mr. Taylor - Thank you, Mr. Lewis. And if you would, please stand by sir because we
1142 might need you for comments after the opposition speaks. And now to the opposition. Please ma'am

1143 would you come up and identify yourself for the record. We will enjoy hearing your comments.

1144

1145 Ms. Crowder - Good morning, Mr. Chairman, ma'am, and gentlemen. My name is Catherine Crowder
1146 and I am the owner of the closest home to the proposed plan of Roma's Restaurant and it's a fine
1147 restaurant, I must say. I have eaten there many times and enjoyed it. You covered many of our
1148 questions our main concerns are that the dumpsters are as far from the closest home which is mine and
1149 the Gibson's. I don't know if the middle is something that would please us. We would like to have that
1150 moved as far away as possible. If you have ever been out there, our homes have basements and they
1151 really set up high so our homes are going to be looking down into the restaurant because the do sit up
1152 so high from the foundation. We have steps that actually go up to our first level and so even the buffer
1153 fence would not exclude the view of the dumpster and the restaurant and the cars in the parking and that
1154 is something I would like very much to consider when putting in the greenery and the trees would be
1155 very, very, key to us and I really appreciate you all taking so much interest in the greenery being behind
1156 the buffer zone. That is very, very, important to us. We have enjoyed many, many, years of the lot
1157 behind us and our boys have had many good times out there riding their bikes and playing cowboys and
1158 Indians and we know we can't keep this lot for ourselves forever and we don't mean to be greedy we
1159 just want to make sure that the integrity of the property is upheld and that the value of our properties
1160 don't go down because of unappealness that's behind our homes. Myself as a realtor I know how
1161 important that is. Once again, we would like to know what these tarps on poles are proposed. That
1162 wasn't mentioned and I'm curious what that is and nothing was mentioned about the outside dining and I
1163 would like to know what that is about.

1164

1165 Mr. Taylor - What was the one before the outside dining, the poles?

1166

1167 Mrs. Crowder - It's says tarps on poles and there are many circles all around and the print that I
1168 have and I don't know.... Do you see the circles (referring to rendering)? And my print says tarps on
1169 poles but I don't know if that is all these around here.

1170

1171 Mr. Lewis - It's a little kids fort. They put some poles up and a blue tarp over it. It's not a
1172 nice fort but it's off my plan.

1173

1174 Mrs. Crowder - Well, you are welcomed to it. My boys enjoyed many good days out there.
1175 Watch for spider though. What are the round circles?

1176

1177 Mr. Lewis - The round circles indicate deciduous larger tree the others are the evergreen
1178 trees. They like to get a mix in there so that during the winter all of the leaves don't come off and see
1179 right through the screen.

1180

1181 Mr. Archer - Mr. Lewis, you mentioned when you did your presentation that the dumpster
1182 pad had been relocated, could you show Mrs. Crowder where it was relocated from and what benefit
1183 was derived from moving it.

1184

1185 Mr. Lewis - The dumpster pad was over here on the right-hand side (referring to rendering
1186 on the screen). Do you close to where my red dot is showing up. We have to put a fire hydrant over
1187 there for fire protection. They require certain hose-lay lengths to all parts of the building. So, I moved
1188 the dumpster down toward the middle of the building which is over here. My only choice is... I can
1189 move it a little bit farther down where my parking spaces are and switch it over with those parking

1190 spaces but it wouldn't get it much farther away from the property line. Over here I have the open
1191 basins and I really can't put them there and I can't put them on this side because that's where the
1192 floodplain is.

1193

1194 Mr. Archer - Okay. When you say the parking, are you saying the parking that is adjacent to
1195 the dumpster as they are shown now? You can trade that, is that what you are saying?

1196

1197 Mr. Lewis - Yes, sir. Those can be flip flopped. The only reason I have the dumpsters on
1198 the right-hand portion of that is just to center that with the building because those two dumpsters are
1199 going to be shared by all tenants.

1200 Mr. Archer - But it doesn't look like that would improve it any though.

1201

1202 Mr. Lewis - It may gain you another five feet farther away from the residents.

1203

1204 Mr. Archer - Mrs. Crowder, would that be preferable to where it is now or do you see any
1205 advantage of moving it that short distance? It seems like they are turned on an angle, if I am looking at
1206 that correctly, so the trucks can come in from an angle and the gates won't be looking directly into the
1207 back property line.

1208

1209 Mr. Lewis - Yes, sir. It's mainly for truck access so that they can pull in and out at that
1210 degree of angle and back out so you don't have a whole lot of truck movement trying to get around so
1211 they can line up and pick up those dumpster. She did have another question. This area right here
1212 (referring to rendering) that shows outside dining, in order to get that we have to come back before the
1213 BZA for a conditional use permit. So that is something that you are not approving today. It has to be
1214 approved by the BZA before it is allowed.

1215

1216 Lady in Aud. - Can we oppose that?

1217

1218 Mr. Lewis - The BZA is another public hearing that you can attend.

1219

1220 Mr. Jernigan - It's a lot similar to this just different people.

1221

1222 Mr. Archer - And it has to be requested and approved. That's not a part of this plan.

1223

1224 Mr. Marles - Mr. Lewis, I think you have already indicated this, but as a part of your
1225 landscaping plan you are going to make a special effort to make sure that that dumpster is screened
1226 from the rear property as well.

1227

1228 Mr. Lewis - Yes, sir. Right now there is an existing power line that goes back there that's
1229 going to have to be relocated by Virginia Power. We don't know where they are going to put that but
1230 we know it's not going through there so we can plant in that easement after it is removed.

1231

1232 Mr. Archer - And that will screen the dumpster from most all of the property that it can, right?

1233

1234 Mr. Lewis - Yes, sir.

1235

1236 Mr. Archer - How many trees would you use, Monte?

1237

1238 Mr. Lewis - I would suggest something like a Leyland Cypress that stays green all year long
1239 and grows fast, you know, ten foot on center and they bush out and you can't see through them. And
1240 keep in mind we will have the white fence and the landscaping and the brick walls. But, like she said
1241 they are up higher so the six-foot fence from their second story is not going to do them any good
1242 looking to the top of those dumpsters.

1243 Mr. Archer - But the trees will help quite a bit I suppose.

1244

1245 Mr. Lewis - Yes, sir, absolutely.

1246

1247 Mr. Taylor - It looks like to me the flip flopping as you said of the dumpsters with those three
1248 or four pads of parking areas, that would serve to get the dumpster over closer to the BMP and give
1249 you five or ten more feet from the property lines. I would recommend as we go into the landscaping
1250 phase to just meet with the neighbors. They have a lot of local neighbor issues and neighbor concerns.
1251 Mr. Vanarsdall is not here, he's enjoying the sun in Florida, but I think if he were here he would
1252 encourage a meeting with you and the neighbors to look over these changes and trees as we get to the
1253 landscaping plan and I think I would encourage that.

1254

1255 Mr. Lewis - Absolutely, the landscape architect who will be working on this will be
1256 contacting them to go over it. And to let the people know, the County won't allow us to submit a
1257 landscape plan until we start a clearing but we can start our process of meeting with the neighbors to set
1258 up the landscape plan and have it designed and ready for submittal. We can do that. Unless the staff
1259 would allow us to send it in previous to clearing, we would be glad to do that.

1260

1261 Mrs. Crowder - I would very much like to settle the landscaping, that's key to us property
1262 owner and that's our backyards and virtually Roma's is in my backyard. And the landscaping and the
1263 evergreens would be key that they are tall and thick and it would obstruct all the view of any of Roma's
1264 and the outside dining because it is virtually in my backyard. So, if we can get that clear and make sure
1265 that they are evergreens and that they are going to get bushy and tall and thick before approving this that
1266 would be key to all of us homeowners.

1267

1268 Mr. Archer - Mrs. Crowder, that's the next step in the process after this one. One of the
1269 amendments is that the landscape plan has to come back and has to be approved by the Commission.
1270 But, I guess what I wanted to ask you - Is everybody here that roughly backs up to this property?

1271

1272 Mrs. Crowder - No.

1273

1274 Mr. Archer - I just wanted to get a feel from you all because Mr. Lewis is willing to relocate
1275 the dumpster from one place to another. I don't live there, but the central location seems to me looks
1276 best here but would you rather have it flip flopped with those four parking spaces or leave it as it is since
1277 he is going to landscape it?

1278

1279 Mrs. Crowder - The farthest from the property line would be best. And I do appreciate that
1280 effort. That is important and also I know...

1281

1282 Mr. Archer - So, you would rather move it, is that what you are saying?

1283

1284 Mrs. Crowder - Yes, absolutely.
1285 Mr. Archer - Mr. Lewis, is that all right with you?
1286
1287 Mr. Lewis - (Unintelligible. He was not at the microphone).
1288
1289 Mr. Archer - We would keep the configuration just about the same as far as the angle of
1290 approach and so forth, wouldn't change?
1291
1292 Mr. Lewis - Are the Gibsons here because that's who property we are behind? I'll be glad
1293 to flip flop it.
1294
1295 Mr. Archer - And we would be picking up a little bit more space from the property line by
1296 doing that. I don't know how much visual effect that would necessarily have but.
1297
1298 Mrs. Crowder - Also, is there any way we can control the time of the pick up because I know
1299 we had an issue with the dumpsters and the trucks coming with businesses across the street or farther
1300 down on Staples Mill Road and it was awful. We had to call and say listen we are sleeping at seven in
1301 the morning and we are hearing dumpsters.
1302
1303 Mr. Archer - Well, the condition was a part of the zoning case that has been approved and
1304 what is it, Mike?
1305
1306 Mr. Jernigan - Seven to eight.
1307
1308 Mr. Archer - Seven to eight on the during the week and beginning at nine o'clock on
1309 Saturday morning, not earlier than is what we are saying. It doesn't necessarily mean that they are
1310 coming right at nine o'clock but no earlier than that.
1311
1312 Mrs. Crowder - Well, that's too early I know for my residents and I have people who work
1313 mid-night shifts and have to sleep and I know for sure that there are three of them that sleep at least until
1314 ten and one that works midnights and that would be very disturbing to them.
1315
1316 Mr. Archer - Mr. Secretary, since it's been approved as a part of the zoning case can we
1317 change that now?
1318
1319 Mr. Marles - Mr. Archer, if the applicant is willing to add a condition, we can put a condition
1320 on the plan as long as it is not less restrictive than the proffered condition.
1321
1322 Mr. Archer - All right. Mr. Lewis, can you speak to that?
1323
1324 Mr. Lewis - Yes, sir. I don't have any problems with removing it. What time do you wake
1325 up, nine o'clock?
1326
1327 Mrs. Crowder - One o'clock. And my friend who is a nurse sleeps days, morning.
1328
1329 Mr. Lewis - Would nine o'clock be acceptable to y'all?

1330 **NO RESPONSE WAS PICKED UP ON THE RECORDER**

1331

1332 Mr. Lewis - Okay, I have no problems with making a condition that no trash pickup before
1333 nine o'clock, Monday through Friday and Saturday and there is no pick up on Sunday at all.

1334

1335 Mrs. Crowder - I would like to know the hours of operations of these businesses.

1336

1337 Mr. Lewis - That I don't know, I know we are held by the zoning of the property to certain
1338 hours. I have Larry Godsey here with me who is the architect. Larry, do you know the hours of Tony's
1339 proposed operation.

1340

1341 Mr. Godsey- It's a normal business just like everything else in the neighborhood.

1342

1343 Mr. Archer - Whatever is in B-2C or B-2. We are going to find it Mrs. Crowder.

1344

1345 Mr. Cooper - Just for clarification on that as a part of a rezoning case a large list of business
1346 uses were prohibited. We could probably put those up on the screen if you feel it is necessary to look
1347 at them or I'll be more than happy to share them with the adjacent owners so that they can look at the
1348 list. But the intentions, I believe, at the time of rezoning was to prohibit business that would generally
1349 have late hours. So the intention was to keep the hours of a lesser time in the night. According, to the
1350 Code, Mr. McGarry just informed me that the normal business hours for B-2 are 6:00 a.m. to 12:00
1351 a.m. That's without a provisional use permit which would allow up to 24 hours.

1352

1353 Mr. Archer - But what was approved at the zoning case was....

1354

1355 Mr. Cooper - There is no proffered time restraints but just normal B-2 business hours would
1356 apply.

1357

1358 Mr. Archer - Do you understand what that means, Mrs. Crowder?

1359

1360 Mrs. Crowder - I don't know. It sounds like a little skirting to me but....

1361

1362 Mr. Archer - Well, no, it's not skirting. Actually, they are allowable time limits within each
1363 zoning classification and the business that is there, unless there is a proffer saying different, has the right
1364 to operate within that time frame of whatever the B-2 time frame is. So, that is what we are trying to
1365 say, we are not trying to skirt the issue.

1366

1367 Mrs. Crowder - Okay. It's just different language for me. That's fine.

1368

1369 Mr. Archer - I understand.

1370

1371 Mrs. Crowder - One of the residents requested and wanted to know if the greenery could
1372 actually be on the other side of the white fence?

1373 Mr. Cooper - I would make the staff recommendation that condition No. 9 be amended to
1374 bring the landscape plan back to the Planning Commission for approval. Therefore, we could discuss
1375 these options at a further time perhaps with a community meeting and therefore we could just move
1376 forward today with the plan knowing that the landscape plan, including the fence, will not be approved

1377 today but will be approved under a separate landscape plan and it will be approved by the Planning
1378 Commission, and that will give the applicant time to meet with the neighbors and we can work all of
1379 these things out.

1380

1381 Ms. Sclafani - So, if we oppose it today what does that mean, if we still oppose certain things
1382 what does that mean?

1383

1384 Mr. Taylor - We will let the Secretary answer that one.

1385

1386 Mr. Marles - First of all I think the applicant has been very receptive to try to address your
1387 concerns today. Many of the issues really should have been resolved at the time of the rezoning
1388 request. But, the Commission with the plan of development, which is what we are dealing with,
1389 basically under the Code of Virginia if it meets the minimum requirements of the zoning ordinance which
1390 this plan does otherwise it wouldn't be here has to be approved by the Planning Commission. I think
1391 what Mr. Cooper is suggesting is really the best course because it allows for a separate process to
1392 work out the details in terms of the landscaping, the placement of the fence. It sounds like to me that's
1393 where your primary concern is. But, the Commission really is in a position where if this plan because it
1394 does meet the minimum requirements of the zoning ordinance, they really have to approve it.

1395

1396 **AT THIS POINT, THERE IS DISCUSSION GOING ON BETWEEN MR. COOPER AND**
1397 **SOME OF THE NEIGHBORS**

1398

1399 Mrs. Ware - Ma'am, do you want to address the Commission?

1400

1401 Mr. Archer - Ma'am, I think what I hear you are asking is if the buffer can be moved.

1402

1403 Ms. Sclafani - Yes, sir. I'm renting out Mrs. Crowder's house.

1404

1405 Mr. Taylor - Ma'am, if you would give us your name.

1406

1407 Ms. Sclafani - Excuse me. My name is Dee Sclafani and I am renting her residence at this time. My
1408 concern is how close it is to my backyard and asking if there is anyway that buffer can be moved farther
1409 back or whatever they can do.

1410

1411 Mr. Archer - Mr. Lewis, can we handle that with No. 9 amended? Would you be willing to
1412 meet with them between now and the time when we bring back the landscape plan?

1413

1414 Mr. Lewis - I can answer the question. We are providing more buffer in this area that's
1415 outside of the 30-foot buffer. My control, at this point, I can't move because we proffered that the
1416 building be setback a certain distance from Staples Mill and that it be no closer to the rear parking
1417 space and I've got to get fire trucks back there. That point is a hold point. I can't move that. And
1418 when we come around this curve, as you see right in here (referring to screen) I have provided more
1419 green area that was not proffered. And that was the area, right here, where the dumpsters were
1420 originally located.

1421

1422 Ms. Sclafani - I was just wondering how much say so will we have at the time of the greenery?
1423 How much say so as a residence do we have in what can be put in there? I realize that there is a

1424 minimum requirement that they have to meet. But this is so dear to our hearts that we are protected
1425 visually since our houses set up so high. This is very, very, important I can't stress that enough. How
1426 much say so will we have at that time?

1427

1428 Mr. Archer - Ma'am, I think the best way to answer that is today we are approving the basic
1429 plans, but between now and final approval one of the conditions is that the landscape plan has to be
1430 submitted. And Mr. Lewis has indicated a willingness to meet with you and work that out before it
1431 comes back for that final approval. So, I think it would be premature at this point to say exactly what it
1432 is going to be without you all having a chance to look at what he is proposing and give your approval
1433 and then we can sail pretty smoothly the next time it comes back. But, I don't think he can answer that
1434 today without sitting down and talking with you all first and letting you all see what he proposes.

1435

1436 Mrs. Crowder - Okay. Well I thank you very much.

1437

1438 Mr. Archer - But you will get another shot at it.

1439

1440 Mr. Jernigan - Mrs. Crowder, can I ask you one thing?

1441

1442 Mrs. Crowder - Yes, sir.

1443

1444 Mr. Jernigan - You said if there was a possibility of putting the greenery on the other side of
1445 the fence, on your property.

1446

1447 Mrs. Crowder - Yes.

1448

1449 Mr. Jernigan - I doubt if that would happen because what happens there is the developer loses
1450 control because if you were to sell your property somebody may come in and cut those trees down and
1451 I don't think that is going to be an option unless they want to move the fence forward. If they want to
1452 bring the fence in closer to the development then they may be able to put greenery on the other side but
1453 they are not going to be able to put it on your property.

1454

1455 Mr. Archer - And Mr. Lewis just said that might indicate a problem with the Fire
1456 Department.

1457

1458 Mr. Taylor - I think all of those details will be best worked out with Mr. Lewis privately. We
1459 will bring that landscaping plan back to the Commission and you will have another opportunity like this
1460 to ask questions and we will leave it to him to work with you to see what ideas he can come up with
1461 and what alternative might be capable of being pursued. I think that is fair and he is willing to do. So, I
1462 would just ask that you accept that and we will go on from here.

1463

1464 Mrs. Crowder - Okay, we will accept that. Thank you.

1465

1466 Mr. Archer - Thank you for your participation, Mrs. Crowder. Well, okay we need to do
1467 two things and one is, and I don't know how to do this, but maybe we will annotate the plan about flip
1468 flopping the dumpster with the parking spaces or do we need a condition to do that?

1469

1470 Mr. Cooper - We will just make an annotation on the plan.

1471

1472 Mr. Archer - Okay. And what about a condition for trash pickup to begin at 9 o'clock. Do
 1473 we need a condition to do that?

1474

1475 Mr. Cooper- Yes, we can add a condition stating that trash pickup....

1476

1477 Mr. Archer - That pickup will be no earlier than 9:00 a.m.

1478

1479 Mr. Cooper - Correct. Monday through Saturday.

1480

1481 Mr. Taylor - Will that be condition No. 39?

1482

1483 Mr. Cooper - Yes. Mr. Archer, we will add No. 9 amended as well.

1484

1485 Mr. Archer - Okay. Well, No. 9 amended does show there. Well, okay. Thanks for your
 1486 participation, Mrs. Crowder and the rest of you. With that, Mr. Chairman, I will move approval of
 1487 POD-87-02, The Shops at Staples Mill subject to the annotations on the plan including the new
 1488 annotation that will be added today, the standard conditions for developments of this type and condition
 1489 No. 9 amended and additional conditions Nos. 23 through 39 and No. 39 being a new condition
 1490 indicating that trash pickup shall be no earlier than 9:00 a.m.

1491

1492 Mr. Jernigan - Second.

1493

1494 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Jernigan. All in
 1495 favor say aye...all opposed say nay. The motion carries.

1496

1497 The Planning Commission approved POD-87-02, The Shoppes @ Staples Mill – Staples Mill Road
 1498 (U.S. Route 33) subject to the standard conditions attached to these minutes for developments of this
 1499 type, the annotations on the plan and the following additional conditions:

1500

1501 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review
 1502 and Planning Commission approval prior to the issuance of any occupancy permits.

1503 23. The easements for drainage and utilities as shown on approved plans shall be granted to the
 1504 County in a form acceptable to the County Attorney prior to any occupancy permits being
 1505 issued. The easement plats and any other required information shall be submitted to the County
 1506 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

1507 24. The entrances and drainage facilities on U.S. 33 shall be approved by the Virginia Department
 1508 of Transportation and the County.

1509 25. A notice of completion form, certifying that the requirements of the Virginia Department of
 1510 Transportation entrances permit have been completed, shall be submitted to the Planning Office
 1511 prior to any occupancy permits being issued.

1512 26. The developer shall provide fire hydrants as required by the Department of Public Utilities and
 1513 Division of Fire.

1514 27. Outside storage shall not be permitted.

1515 28. The proffers approved as a part of zoning case C-41C-02 shall be incorporated in this
 1516 approval.

1517 29. All exterior lighting fixtures shall be designed and arranged so the source of light is not visible

- 1518 from the roadways or adjacent residential properties. The lighting shall be low intensity,
 1519 residential in character, and the height or standards shall not exceed 15 feet.
- 1520 30. The developer shall install an adequate restaurant ventilating and exhaust system to minimize
 1521 smoke, odors, and grease vapors. The plans and specifications shall be included with the
 1522 building permit application for review and approval. If, in the opinion of the County, the type
 1523 system provided is not effective, the Commission retains the rights to review and direct the type
 1524 of system to be used.
- 1525 31. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form
 1526 acceptable to the County Attorney prior to final approval of the construction plans.
- 1527 32. Deviations from County standards for pavement, curb or curb and gutter design shall be
 1528 approved by the County Engineer prior to final approval of the construction plans by the
 1529 Department of Public Works.
- 1530 33. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
 1531 plans.
- 1532 34. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
 1533 must be approved by the Department of Public Utilities prior to the issuance of a building
 1534 permit.
- 1535 35. Approval of the construction plans by the Department of Public Works does not establish the
 1536 curb and gutter elevations along the Virginia Department of Transportation maintained right-of-
 1537 way. The elevations will be set by the contractor and approved by the Virginia Department of
 1538 Transportation.
- 1539 36. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning
 1540 Office and approved prior to issuance of a certificate of occupancy for this development.
- 1541 37. The location of all existing and proposed utility and mechanical equipment (including HVAC
 1542 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
 1543 identified on the landscape plans. All equipment shall be screened by such measures as
 1544 determined appropriate by the Director of Planning or the Planning Commission at the time of
 1545 plan approval.
- 1546 38. The applicant shall use best efforts prior to a certificate of occupancy to have the 20-foot alley
 1547 along the north property line vacated.
- 1548 39. Trash pick up shall be no earlier than 9:00 a.m. Monday through Saturday with no trash pick up
 1549 on Sunday.

1550

1551

1552 **PLAN OF DEVELOPMENT**

1553

POD-88-02
 Grove Park Square –
 Nuckols Road
 (POD-7-99 and POD-1-97
 Revised)

McKinney & Company for Highwoods Realty Limited Partnership: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 10, one-story, office/service buildings totaling 65,259 square foot. The 6.51-acre site is located along the south line of Nuckols Road, approximately 530 feet east of Shady Grove Road on parcel 744-775-9229 and part of parcel 744-775-3543. The zoning is O/SC, Office/Service District (Conditional). County water and sewer. **(Three Chopt)**

1554

1555 Mr. Taylor - Is there anyone in the audience in opposition to POD-88-02, Grove Park
December 18, 2002

1556 Square? No opposition. Mr. Wilhite.

1557

1558 Mr. Wilhite - Mr. Chairman, on page 4 of your addendum there is a revised recommendation
1559 for approval. Also in your addendum packet there was a revised plan included that addressed most of
1560 staff's comments. We do also have a rendering here, which I want to put up on the screen. The
1561 revised site plan included in your packet address most of the staff's comments. It altered the drive
1562 aisles in front of buildings "K" and "I" which was shown originally as one way. At the recommendation
1563 of the traffic engineer, that has been changed to two way. Also they adjusted the buildings along the
1564 southern property line, the five buildings that are shown there at the bottom of your plan, to make sure
1565 that they were going to be outside of the required 50-foot buffer. There was an intrusion with stoops to
1566 the rear door as well as the overhangs to the roof has been adjusted with the revised plan. It also, per
1567 the staff's recommendation, changed the system of sidewalks within the development to provide better
1568 pedestrian connections.

1569

1570 We have been contacted by the adjacent developer, the property to the south, which is the Towns of
1571 Shady Grove a townhouse development. They have been concerned about the 50-foot buffer along the
1572 southern property line and the type of landscaping that will go in there. Staff has recommended, as an
1573 annotation on the plan, that the grading be tighten there and the tree save in that area be maximized as
1574 much as possible. The applicant has agreed to do that. With that I can answer any questions that you
1575 have but staff can recommend approval of the revised plans with the annotations shown on that and the
1576 additional conditions on your agenda.

1577

1578 Mrs. Ware - Mr. Wilhite, there are already two office parks located, one on either side of
1579 this new development.

1580

1581 Mr. Wilhite - On the, what appears on the left side of the plan, is Phase 1 of Shady Grove,
1582 which is one large building that's office/service. The office building on the right-hand side or to the east
1583 is The Virginia Press Association.

1584

1585 Mrs. Ware - But, you are showing that all of this is going to connect.

1586

1587 Mr. Wilhite- Yes. There would be interconnections. There is a shared access point
1588 between this development and the Virginia Press Association that is already existing. They would also
1589 be able to access this property through the Phase I of Shady Grove.

1590

1591 Mrs. Ware - So, they access the Press Association through what will be this new
1592 development.

1593

1594 Mr. Wilhite - Yes. That entrance was built with the Virginia Press Association and it will stub
1595 to allow for access to this portion of the property.

1596

1597 Mrs. Ware - It just look like a convoluted way to get from point A to point B.

1598

1599 Mr. Taylor - Are there any other comments for Mr. Wilhite? Okay. I'll move approval of
1600 POD-88-02, Grove Park Square on Nuckols Road, subject to the annotations on the plan, the
1601 standard conditions for developments of this type and additional conditions Nos. 23 through 35 and the
1602 comments in the addendum.

1603

1604 Mr. Jernigan - Second.

1605

1606 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Jernigan. All in
1607 favor say aye...all opposed say nay. The motion carries.

1608

1609 The Planning Commission approved POD-88-02, Grove Park Square – Nuckols Road (POD-87-99
1610 and POD-1-97 Revised) subject to the standard conditions attached to these minutes for developments
1611 of this type, the annotations on the plan and the following additional conditions:

1612

1613 23. The right-of-way for widening of Nuckols Road as shown on approved plans shall be dedicated
1614 to the County prior to any occupancy permits being issued. The right-of-way dedication plat
1615 and any other required information shall be submitted to the County Real Property Agent at
1616 least sixty (60) days prior to requesting occupancy permits.

1617 24. The easements for drainage and utilities as shown on approved plans shall be granted to the
1618 County in a form acceptable to the County Attorney prior to any occupancy permits being
1619 issued. The easement plats and any other required information shall be submitted to the County
1620 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

1621 25. The developer shall provide fire hydrants as required by the Department of Public Utilities and
1622 Division of Fire.

1623 26. A standard concrete sidewalk shall be provided along the south side of Nuckols Road.

1624 27. Outside storage shall not be permitted.

1625 28. The proffers approved as a part of zoning case C-30C-89 shall be incorporated in this
1626 approval.

1627 29. The certification of building permits, occupancy permits and change of occupancy permits for
1628 individual units shall be based on the number of parking spaces required for the proposed uses
1629 and the amount of parking available according to approved plans.

1630 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form
1631 acceptable to the County Attorney prior to final approval of the construction plans.

1632 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
1633 approved by the County Engineer prior to final approval of the construction plans by the
1634 Department of Public Works.

1635 32. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
1636 must be approved by the Department of Public Utilities prior to the issuance of a building
1637 permit.

1638 33. Approval of the construction plans by the Department of Public Works does not establish the
1639 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
1640 will be set by Henrico County.

1641 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning
1642 Office and approved prior to issuance of a certificate of occupancy for this development.

1643 35. The location of all existing and proposed utility and mechanical equipment (including HVAC
1644 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
1645 identified on the landscape plans. All equipment shall be screened by such measures as
1646 determined appropriate by the Director of Planning or the Planning Commission at the time of
1647 plan approval.

1648

1649 Mr. Marles - Mr. Chairman, that concludes all of the cases but we still have the minutes for

1650 the November 2002 meeting.

1651

1652 Mr. Taylor - Do I hear a motion to approve the minutes for the November 2002 meeting?

1653

1654 Mr. Archer - Mr. Chairman, I have a couple of corrections. Page 24, line 898, I think I was
1655 trying to say "CPTED" but it came out "CPD." On page 26, line 958 the same correction and on page
1656 28, line 1053 insert the word "need" after "we do a motion" it should be "we do need a motion" is what
1657 I think I was trying to say there. That's all I have.

1658

1659 Mr. Taylor - Thank you, Mr. Archer. Are there any other corrections to the minutes? Then I
1660 will move that the minutes be approved.

1661

1662 Mr. Jernigan - Second.

1663

1664 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Jernigan. All in
1665 favor say aye...all opposed say nay. The motion carries.

1666

1667 The Planning Commission approved the minutes of the November 20, 2002, Planning Commission
1668 meeting with the corrections.

1669

1670 **RESOLUTION TO SET A WORK SESSION DATE ON THE CHESAPEAKE BAY ACT**
1671 **AMENDMENT**

1672

1673 Mr. Marles - Mr. Chairman, there is one additional item that does not appear on the agenda.
1674 Staff is recommending a resolution for the Commission to set a date for a work session and a public
1675 hearing to consider proposed amendments to the Chesapeake Bay Act that were approved by the
1676 General Assembly earlier this year. Localities under this change in the Chesapeake Bay Act have until
1677 March 1, 2003, to adopt changes to the zoning and subdivision regulations of the County in order to
1678 come into compliance with that act. We would like to request that we have a work session with the
1679 assistance of Public Works to explain those changes to the Commission at your first meeting in January.
1680 We are also asking the Commission to schedule a public hearing at your second meeting in January.
1681 And if the Commission is agreeable, we do have a resolution which Mrs. Ware has agreed to read into
1682 the record.

1683

1684 Mr. Archer - Mr. Secretary, when you say the first meeting in January, do you mean the first
1685 zoning meeting?

1686

1687 Mr. Marles - It would be the first zoning meeting, yes, sir, Mr. Archer.

1688

1689 Mr. Taylor - Then that would be a work session at the January.... What is that date?

1690

1691 Mr. Marles - It would be prior to your January 9, 2003 meeting.

1692

1693 Mrs. Ware - Aren't we also having a work session on Pump Church?

1694

1695 Mr. Marles - Mrs. Ware, I think that is going to end up being later in February.

1696

1697 Mr. Archer - So, we have on that night, we will have election of officers, a work session. I
1698 guess we can do all of that, it shouldn't take that long. Do you think we should meet earlier or come at
1699 our regular time?

1700

1701 Mr. Marles - I'm not sure what the agenda is going to be like that night. If we can have some
1702 flexibility, I mean, if we have a heavy agenda we may do the dinner route and do it before hand.

1703

1704 Mr. Archer - But, if not, we can do it at our regular time.

1705

1706 Mr. Marles - Yes.

1707

1708 Mr. Archer - How long do you anticipate the work session to last?

1709

1710 Mr. Marles - I think probably about a half an hour, Mr. Archer. Many of the changes are
1711 housekeeping in nature but there is at least one significant change that would involve the Planning
1712 Commission that I think we need a little time to discuss.

1713

1714 Mr. Archer - Okay. That's fine with me.

1715

1716 Mr. Jernigan - Mr. Secretary, being that this is on the Chesapeake Bay Act, and it's coming
1717 from the State, we can't change anything can we?

1718

1719 Mr. Marles - The Chesapeake Bay staff has provided a model ordinance which the staff has
1720 considered in drafting the amendments, but basically we have to comply. It's a mandate.

1721

1722 Mr. Jernigan - That's what I thought.

1723

1724 Mr. Taylor - I'll move....

1725

1726 Mr. Marles - Mr. Chairman, before we move on this Mrs. Ware need to read the resolution.

1727

1728 Mrs. Ware - Whereas, on December 10, 2001 the Chesapeake Bay Local Assistance
1729 Board adopted changes to 9 VAC 10-20 et seq, Chesapeake Bay Preservation Area Designation and
1730 Management Regulations, and; Whereas, local governments in Tidewater Virginia are now required to
1731 review and amend their local Chesapeake Bay regulation programs to assure compliance with the
1732 revised Regulations, and; Whereas, appropriate amendments are required to be made to the County's
1733 Zoning Ordinance (Sec. 24) and Subdivision Ordinance (Sec. 19), within one year of the effective date
1734 of the adopted revised Regulations, March 1, 2003 and;

1735 Whereas, the purpose of the amendments are for the public necessity of protecting surface water and
1736 groundwater. Now, Therefore, Be It Resolved that the Henrico County Planning Commission requests
1737 the Director of Planning to have appropriate ordinance amendments prepared and scheduled for a
1738 public hearing at the earliest convenience.

1739

1740 Mr. Marles - And staff is recommending a work session on January 9, 2003. And that
1741 particular resolution calls for it as soon as possible which is most likely January 23, 2003.

1742

1743 Mr. Jernigan - Are you going to set a time now or are you going to wait?

1744

1745 Mr. Marlles - For the public hearing I would like to wait and have the flexibility. I expect it to
1746 be on the 23rd but it may slip into February depending on a lot of factors. But, I don't think the
1747 resolution needs to tie it down. All the Commission needs to do at this time is just approve the
1748 resolution.

1749

1750 Mr. Jernigan- Six o'clock work session.

1751 Mr. Marlles - It depends on the agenda.

1752

1753 Mr. Archer - Do we need a motion for the resolution?

1754

1755 Mr. Marlles - Yes.

1756

1757 Mr. Archer - Whereas, Mrs. Ware has read this resolution I move that it be approved by the
1758 Commission.

1759

1760 Mr. Jernigan - Second.

1761

1762 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Jernigan to
1763 approve the motion for a work session on January 9, 2003, for the Chesapeake Bay amendments. All
1764 in favor say aye...all opposed say nay. There being no opposition, the work session is plan for January
1765 9, 2003. And we will see what the menu is.

1766

1767 Mr. Thornton - Mr. Chairman, as you know this is my last tenure with you for a while perhaps, and I
1768 just would like to say for the record, that although it took me awhile to get this venue here, I want to say
1769 to the staff two things. Number one, I want to wish to each of them and their respective families the
1770 very best for the holiday season and of course to this austere Commission. And, also, second for the
1771 fine job that the staff has done and that they continue to do over the years. I would just like to say for
1772 myself that this has been extremely edifying for me to have been a part of this and I do feel now more of
1773 a total person having had this experience. I also want to thank each of you for the fine job you have
1774 done as stewards for every planning and comments we have made over these 12 months and I hope will
1775 attest to the type of County we have and also our future challenges that Planning Commissions all over
1776 will have, but particularly we are concerned about Henrico County, particularly, since Mr. Jernigan and
1777 I kind of represent what I frequently call the eastern corridor. And as each of you know, that's really
1778 the future of Henrico County because it is my suspicion we are not going to annex Goochland so
1779 therefore the future of Henrico then is toward the east.

1780

1781 So, if is very significant that the Planning Commission and that the staff continue to show vision as they
1782 come to conclusions on the difficult plans that they have in trying to get continence with the development
1783 community and also with the homeowners. So, it's a challenge and I know that you are up to that. And
1784 I want to compliment you, Mr. Chairman, and how you have used your stewardship for this time. And I
1785 just wanted to go on the record how I felt about being apart of this board this past year. It really has
1786 been edifying.

1787

1788 Mr. Taylor - Mr. Thornton, we are delighted that it was edifying or has been edifying and we
1789 have been delighted to have you share our experiences with us and sharing our trials and tribulations and
1790 watching the process at work because this is where the case that you rule on start and this is the forum

1791 that we work with and the staff that we work with. I do agree with you that the staff is one of the finest
1792 and we appreciate you recognizing the relationship between the Board of Supervisors and the Staff and
1793 the Commission and really look forward to continue in a smooth working relationship in the benefit of
1794 Henrico County. So, thank you, very much, sir, in your comments and your observations and we hope
1795 that you and the remaining Board of Supervisors have a super holiday and a great 2003. And with that,
1796 I'll entertain a motion that we adjourn.

1797

1798 Mr. Jernigan - Second.

1799

1800 Mr. Marlles - Mr. Chairman, before we leave I do want to recognize one person in the
1801 audience. I just notice them. Mr. Moorefield, will you stand up for a second. We do have an intern
1802 that you may see around the office. Adam has been with us, I think, is this your first week Adam?

1803

1804 Mr. Moorefield - Yes.

1805

1806 Mr. Marlles - And Adam is a student at JMU and studying Political Science. I think this is his
1807 first Planning Commission meeting, so he is learning on the job here and we are happy to have him to
1808 help us out and he is a volunteer.

1809

1810 Mr. Taylor - Mr. Moorefield, we are delighted to have you with us and we do hope that you
1811 will learn along with us. This is actually a learning experience constantly and the staff as expert as they
1812 are and the Commission as zealous as we can be, we learn with everyday with every case and we think
1813 you will have a great experience working with Henrico County and we wish you well in your internship,
1814 sir. Do we have anything else? All right. The motion was made by Mr. Taylor and seconded by Mr.
1815 Jernigan to adjourn this meeting. All in favor say aye...all opposed say nay. This meeting is adjourned
1816 and the time is 10:29 a.m.

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1818 On a motion by Mr. Taylor and seconded by Mr. Jernigan, the Planning Commission adjourned its
1819 December 18, 2002, meeting at 10:29 a.m.

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Allen Taylor, P.E., C.P.C., Chairman

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John R. Marlles, AICP, Secretary