

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building in the Government Center
3 at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, December 13, 2006.

4

5 Members Present: Mr. C. W. Archer, C.P.C., Chairperson (Fairfield)
6 Mr. Tommy Branin, Vice Chairperson (Three Chopt)
7 Mrs. Bonnie-Leigh Jones (Tuckahoe)
8 Mr. E. Ray Jernigan, C.P.C. (Varina)
9 Mr. Randall R. Silber, Director of Planning, Secretary

10

11 Members Absent: Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
12 Mrs. Patricia O'Bannon (Tuckahoe) Board of Supervisors
13 Representative

14

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

25

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

28

29 Mr. Archer - Good morning, everyone.

30

31 Mr. Jernigan - Good morning, Mr. Chairman.

32

33 Mr. Archer - Welcome to the December 13, 2006, public hearing for subdivisions and
34 plans of development. We have a lengthy agenda with quite a few expedited items and quite a
35 few deferrals. With that, I will turn the proceedings over to Mr. Randall Silber, Director of
36 Planning, Secretary to the Commission.

37

38 Mr. Silber - Thank you, Mr. Chairman. We do have two members of the Planning
39 Commission out today. One is vacationing in Florida with his family, and Mrs. O'Bannon who
40 sits on the Board of Supervisors, who also serves on the Planning Commission, is in for some
41 surgery this morning. So, we have four members of the Commission that are present this
42 morning so we can conduct business, we have a quorum. First on the agenda would be
43 consideration of requests for deferrals, and we do have a number of deferrals. Ms. News, can
44 you tell us about those please.

45

46 Ms. News - Yes, sir. Good morning, Mr. Chairman, members of the Commission, Mr.
47 Secretary.

48

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

50

51 Ms. News - We have four items on the agenda and we have two that were added this
52 morning, which I will get to in a moment. The first item is on page five of your agenda and it is
53 located in the Varina District. This is POD-66-06, Easthampton Townhomes. The applicant is
54 requesting a deferral to the January 24, 2007 meeting.

55

56 **PLAN OF DEVELOPMENT**

57

POD-66-06
Easthampton Townhomes –
S. Kalmia Street and E.
Jerald Street

Engineering Design Associates for Extra Enterprises Construction & Development, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 44, two-story, 1,440 square feet townhouse for sale units totaling 63,360 square feet. The 6.58-acre site is located at the southeast intersection of S. Kalmia Avenue and E. Jerald Street on parcel 822-722-0609. The zoning is RTHC, Residential Townhouse District. County water and sewer. (**Varina**)

58

59 Mr. Archer - Is there anyone present who is opposed to this deferment, POD-66-06,
60 Easthampton Townhomes, in the Varina District? No opposition. Mr. Jernigan.

61

62 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of POD-66-06,
63 Easthampton Townhomes, to January 24, 2007, by request of the applicant.

64

65 Mrs. Jones - Second.

66

67 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mrs. Jones. All
68 in favor say aye...all opposed say nay. The motion passes.

69

70 At the applicant's request, the Planning Commission deferred POD-66-06 Easthampton
71 Townhomes, to its meeting on January 24, 2007.

72

73 Ms. News - The next item is on page 11 of your agenda and located in the Three Chopt
74 District. This is POD-65-06 or POD-85-97 revised, Lowe's @ Short Pump Plaza – Garden
75 Center Expansion. The applicant is requesting deferral to January 24, 2007.

76 **PLAN OF DEVELOPMENT (Deferred from the November 15, 2006 Meeting)**

77

POD-65-06
Lowe's @ Short Pump
Plaza – Garden Center
Expansion
(POD-85-97 Revised)

McKinney & Company for Lowes Home Centers, Inc.: Request for approval of a plan of development, as required by Chapter 24, Sections 24-106 and 24-56 of the Henrico County Code, for approval of the outside display of merchandise and an expansion of an existing garden center for an existing Lowe's home improvement store. The 16.21-acre site is located in the Short Pump Plaza Shopping Center on parcel 740-763-6239. The zoning is B-3C, Business District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

78

79 Mr. Archer - Is there anyone present who is opposed to this deferment, POD-65-06,
80 Lowe's @ Short Pump Plaza – Garden Center Expansion, in the Three Chopt District? No
81 opposition. Mr. Branin.

82

83 Mr. Branin - Mr. Chairman, I would like to move for deferral of POD-65-06, Lowe's @
84 Short Pump Plaza – Garden Center Expansion to January 24, 2007, per the applicant's request.

85

86 Mr. Jernigan - Second.

87

88 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
89 in favor say aye...all opposed say nay. The motion passes.

90

91 At the applicant's request, the Planning Commission deferred POD-65-06, Lowe's @ Short
92 Pump Plaza – Garden Center Expansion, to its meeting on January 24, 2007.

93

94 Ms. News - The next item is on page 28 of your agenda and located in the Three Chopt
95 District. This is SUB-59-06, Dalton Park @ Greenbrooke (November 2006 Plan). The applicant
96 is requesting deferral to January 24, 2007.

97

98 **SUBDIVISION (Deferred from the November 15, 2006 Meeting)**

99

SUB-59-06
Dalton Park @ Greenbrooke
(November 2006 Plan)
4320 – 4350 Belfast Road

Youngblood, Tyler & Associates for Fidelity Properties, Ltd.; Dalton Park LLC; Estate of Daisey A. Childress; Maynard L. Puryear, Helen D. Puryear, and Brenda H. Puryear; Larry C. Riley and Patricia R. Coleman and Myrtle B. Graves: The 2.254-acre site proposed for a subdivision of 30, single-family homes is located between the east line of I-295 entrance ramp and the west line of Belfast Road on parcels 743-763-3572, 743-762-7481, 743-763-8604 (part), 743-763-8655, 743-762-3527 (part) 9020 and 9533. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 30 Lots**

100 Mr. Archer - Is there anyone present who is opposed to this subdivision deferment,
101 SUB-59-06, Dalton Park @ Greenbrooke (November 2006 Plan), in the Three Chopt District?
102 No opposition. Mr. Branin.

103

104 Mr. Branin - Mr. Chairman, I would like to move for deferral of SUB-59-06, Dalton
105 Park @ Greenbrooke to the January 24, 2007, per the applicant's request.

106

107 Mrs. Jones - Second.

108

109 Mr. Archer - The motion was made by Mr. Branin and seconded by Mrs. Jones. All in
110 favor say aye...all opposed say nay. The motion passes.

111

112 At the applicant's request, the Planning Commission deferred SUB-59-06, Dalton @
113 Greenbrooke (November 2006 Plan) to its meeting on January 24, 2007.

114

115 Ms. News - The next item is on page 30 of your agenda and located in the Varina
116 District. This is SUB-43-06, River Pointe Estates (July 2006 Plan). The applicant is requesting
117 deferral to February 28, 2007.

118

119 **SUBDIVISION (Deferred from the October 25, 2006 Meeting)**

120

SUB-43-06	Bay Design Group, P.C. for John W. Roberts and Wilton
River Pointe Estates	Development Corporation: The 81-acre site proposed for a
(July 2006 Plan)	subdivision of 43 single-family homes is located on the east line
9051 Deep Bottom Road	of Deep Bottom Road approximately 650 feet south of
	Kingsland Road on parcels 829- 676-2890 and 829-678-4054.
	The zoning is A-1, Agricultural District. County water and
	sewer. (Varina) 43 Lots

121

122 Mr. Archer - Is there anyone present who is opposed to this subdivision deferment,
123 SUB-43-06, River Pointe Estates (July 2006 Plan), in the Varina District? No opposition. Mr.
124 Jernigan.

125

126 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of SUB-43-06, River
127 Pointe Estates (July 2006 Plan) to February 28, 2007, by request of the applicant.

128

129 Mrs. Jones - Second.

130

131 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mrs. Jones. All
132 in favor say aye...all opposed say nay. The motion passes.

133

134 At the applicant's request, the Planning Commission deferred SUB-43-06, River Pointe Estates
135 (July 2006 Plan) to its meeting on February 28, 2007.

136 Ms. News - Additionally, this morning we received two additional requests. The first
137 is on page 12 of your agenda and located in the Three Chopt District. This is POD-69-06,
138 Country Inn & Suites – Short Pump Town Center. The applicant is requesting a withdrawal of
139 that plan.

140

141 Mr. Archer - Is there action necessary for that, Mr. Silber?

142

143 Mr. Silber - Yes, sir, action is required on POD withdrawals.

144

145 Mr. Archer - But not on zoning?

146

147 Mr. Silber - Right. We need a motion.

148

149 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

150

POD-69-06
Country Inn & Suites –
Short Pump Town Center

McKinney & Company for Short Pump Town Center, LLC and Dumra Hospitality Group, LLC: Request for approval of a plan of development and special exception for buildings exceeding 45 feet in height, as required by Chapter 24, Sections 24-106, 24-2, and 24-94(b) of the Henrico County Code, to construct a four-story, 96-room hotel. The 1.77-acre site is located along the south line of I-64, approximately 2,600 feet west of Pouncey Tract Road, on part of parcel 738-764-0203. The zoning is B-3C, Business District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer.
(Three Chopt)

151

152 Mr. Archer - Is there a motion.

153

154 Mr. Branin - Mr. Chairman, I would like to move for withdrawal of POD-69-06,
155 Country Inn & Suites – Short Pump Town Center, at the applicant's request.

156

157 Mr. Jernigan - Second.

158

159 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
160 in favor say aye...all opposed say nay. The withdrawal is granted.

161

162 At the applicant's request, the Planning Commission withdrew POD-69-06, Country Inn &
163 Suites – Short Pump Town Center, from any further consideration.

164 Ms. News - The next item is on page 14 of your agenda and located in the Three Chopt
165 District. This is POD-67-06, American Family Fitness – Short Pump Town Center. The
166 applicant is requesting a deferral to the January 24, 2007 meeting.

167

168 **PLAN OF DEVELOPMENT**

169

POD-67-06
American Family Fitness –
Short Pump Town Center

Balzer & Associates, Inc. for Short Pump Town Center, LLC, Bee-Pump, LLC and American Family Fitness:
Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story, 72,750 square foot fitness center. The 5.92-acre site is located along the south line of I-64, approximately 2,600 feet west of Pouncey Tract Road, on part of parcel 737-764-0069. The zoning is B-3C, Business District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

170

171 Mr. Archer - Is there anyone present who is opposed to this deferment, POD-67-06,
172 American Family Fitness – Short Pump Town Center, in the Three Chopt District? No
173 opposition. Mr. Branin.

174

175 Mr. Branin - Mr. Chairman, I would like to move for deferral of POD-67-06, American
176 Family Fitness – Short Pump Town Center, to the January 24, 2007 meeting, per the applicant's
177 request.

178

179 Mr. Jernigan - Second.

180

181 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
182 in favor say aye...all opposed say nay. The motion passes.

183

184 At the applicant's request, the Planning Commission deferred POD-67-07, American Family
185 Fitness – Short Pump Town Center, to its meeting on January 24, 2007.

186

187 Ms. News - That's all the items that staff has.

188

189 Mr. Archer - Thank you, Ms. News.

190

191 Mr. Silber - Next on the agenda would be consideration of the Expedited Agenda
192 items. These are plans that are placed on a separate agenda. These plans are recommended by
193 staff. The applicant is comfortable with and is agreeable to the annotations and the conditions on
194 the plan, and the Planning Commissioner from that district has no outstanding issues. They are
195 placed on an Expedited Agenda to be heard without lengthy presentation. If there is any
196 opposition to these plans, they will be pulled off of the Expedited Agenda and will be heard as
197 they are listed in the full agenda. I believe we have six or seven items on the Expedited Agenda.

198

199 Ms. News - Yes, sir, there are seven items. The first item is on page 2 of your agenda
200 and located in the Three Chopt District. This is a transfer of approval, POD-20-94, Concourse
201 @ Wyndham.

202

203 **TRANSFER OF APPROVAL**

204

POD-20-94

The Concourse @ Wyndham

11520 Nuckols Road

Spotts-Fain for MGME Richmond-Nuckols, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Concourse Commons, LLC to MGME Richmond-Nuckols, LLC. The 2.1-acre site is located on the north line of Nuckols Road, approximately 250 feet west of Concourse Boulevard on parcel 745-775-7141. The zoning is O/SC, Office/Service District Conditional. County water and sewer. **(Three Chopt)**

205

206 Mr. Archer - All right. Is there anyone in the audience in opposition to this transfer of
207 approval request, POD-20-94, The Concourse @ Wyndham, in the Three Chopt District? No
208 opposition. Mr. Branin.

209

210 Mr. Branin - Mr. Chairman, I would like for transfer of approval request for POD-20-
211 94, The Concourse @ Wyndham, be approved on the Expedited Agenda.

212

213 Mr. Jernigan - Second.

214

215 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
216 in favor say aye...all opposed say nay. The motion passes.

217

218 The Planning Commission approved the transfer of approval request for POD-20-94, The
219 Concourse @ Wyndham, subject to the owners accepting and agreeing to be responsible for
220 continued compliance of the original approval.

221

222 Ms. News - The next item is on page 3 of your agenda and located in the Varina
223 District. This is a transfer of approval of a part of POD-123-97 now called Airport Distribution
224 formerly the Highwoods Distribution Center. This is for building "F."

225 **TRANSFER OF APPROVAL**

226

POD-123-97 (part)
Airport Distribution
(Formerly Highwoods
Distribution Center)
Darbytown Road and
Laburnum Avenue

Mill Management Inc. for Fawn Industrial, LLC: Request for transfer of approval of a portion of a POD as required by Chapter 24, Section 24-106 of the Henrico County Code from Highwoods Industrial Virginia, LLC to Fawn Industrial, LLC. The 9.858-acre site is located at on the southeast side of S. Laburnum Avenue at the corner of S. Laburnum Avenue and Darbytown Road on parcel 813-790-6207. This is a portion of the whole development known as Airport Distribution, consisting of building “F” as shown on the master plan. The zoning is M-1, Light Industrial District. County water and sewer. **(Varina)**

227

228 **TRANSFER OF APPROVAL**

229

POD-123-97 (part)
Airport Distribution
(Formerly Highwoods
Distribution Center)
Darbytown Road and
Laburnum Avenue

Engineering Design Associates for Graham & Company South East, LLC: Request for transfer of approval of a portion of a POD as required by Chapter 24, Section 24-106 of the Henrico County Code from Ramona Max Brown, LLC to Graham & Company South East, LLC. The 57.263-acre site is located on the southeast side of S. Laburnum Avenue at the corner of S. Laburnum Avenue and Darbytown Road on parcels 814-699-7796 and 813-790-7148. This is a portion of the whole development know as Airport Distribution, consisting of the area for buildings B, C, D, E and the common area as shown on the master plan. The zoning is M-1, Light Industrial District. County water and sewer. **(Varina)**

230

231 Mr. Archer - Is there anyone in the audience in opposition to the transfer of approval
232 request for POD-123-97 (part), Airport Distribution, in the Varina District? No opposition. Mr.
233 Jernigan.

234

235 Mr. Jernigan - Mr. Chairman, we have two of these, Part “A” and Part “B.” Will it be all
236 right to do one motion for both?

237

238 Mr. Archer - Will that be all right, Mr. Secretary?

239

240 Mr. Jernigan - It’s just that different engineering firms handle it, but they are the same
241 POD number. Do you want me to make one or two motions?

242

243 Mr. Silber - That’s fine with me. Ms. News, do you know of any reason it can’t be
244 done with one motion? They are listed separately on the agenda. Are there any special
245 conditions or anything that applies to one and not the other?

246

247 Ms. News - No. We are recommending approval on both sections. The second
248 section is for buildings “B, C, D and E” and the common area.

249

250 Mr. Archer - And they both carry the same number?

251

252 Mr. Jernigan - The same POD number.

253

254 Mr. Silber - If you just have in your motion that it works for both sections, I think that
255 would suffice.

256

257 Mr. Jernigan - Okay. With that, Mr. Chairman, I will move for approval of transfer of
258 approval on POD-123-97, Airport Distribution, Part “A” and Part “B,” in the Varina District.

259

260 Mrs. Jones - Second.

261

262 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mrs. Jones. All
263 in favor say aye...all opposed say nay. The motion passes.

264

265 The Planning Commission approved the transfer of approval request for POD-123-97 (part
266 Distribution, Building “F” (Formerly Highwoods Distribution Center) and POD-123-97 (part
267 Distribution, Buildings “B, C, C, E and the common area” (Formerly Highwoods Distribution
268 Center), subject to the owners accepting and agreeing to be responsible for continued compliance
269 with the original approval.

270

271 Ms. News - The next item is on page 8 of your agenda, it is a landscape plan for
272 subdivision SUB-64-05, Turnberry, in the Three Chopt District.

273 **SUBDIVISION LANDSCAPE PLAN**

274

SUB-64-05 **Jeff McKay for Centex Homes:** Request for approval of a
Turnberry – Pouncey Tract landscape plan, as required by Chapter 24, Sections 24-106 and
Road and Shady Grove Road 24-106.2 of the Henrico County Code. The 2.852-buffer
between the subdivision and Shady Grove Road is located in the
Turnberry Subdivision, on the south side of Shady Grove Road,
approximately 1,100 feet east of the intersection of Pouncey
Tract Road and Shady Grove Road on parcels 740-769-0088 and
740-767-7087. The zoning is R-3C, One-Family Residential
District (Conditional). (**Three Chopt**)

275

276 Mr. Archer - Is there anyone in the audience in opposition to this landscape plan for
277 SUB-64-05, Turnberry, in the Three Chopt District? No opposition. Mr. Branin.

278

279 Mr. Branin - Mr. Chairman, I would like to move SUB-64-05, Turnberry, be approved
280 on the Expedited Agenda.

281

282 Mrs. Jones - Second.

283

284 Mr. Archer - The motion was made by Mr. Branin and seconded by Mrs. Jones. All in
285 favor say aye...all opposed say nay. The motion passes.

286

287 The Planning Commission approved the landscape plan for SUB-64-05, Turnberry, subject to the
288 annotations on the plans and the standard conditions attached to these minutes for landscape
289 plans.

290

291 Ms. News - The next item is on page 16 of your agenda, and located in the Brookland
292 District. This is POD-68-06, Car America.

293

294 **PLAN OF DEVELOPMENT**

295

POD-68-06
Car America –
8050 W. Broad Street

Hulcher & Associates for Prime 8050–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 two-story, two service bay, 5,136 square foot automobile dealership to replace and existing service station. The 0.80-acre site is located along the north line of W. Broad Street (U.S. Route 250) approximately 375 feet west of Carousel Lane on parcel 763-753-2544. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

296

297 Mr. Archer - Is there anyone in the audience in opposition to POD-68-06, Car America,
298 in the Brookland District? I see no opposition, and with that, I will move for approval on the
299 Expedited Agenda of POD-68-06, Car America, subject to the standard conditions for
300 developments of this type, No. 9 amended and Nos. 24 through 35.

301

302 Mr. Jernigan - Second.

303

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

306

307 The Planning Commission approved POD-68-06, Car America, subject to the standard
308 conditions attached to these minutes for developments of this type, the annotations on the plans,
309 and the following additional conditions:

310

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

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

- 318 permits.
- 319 25. The entrances and drainage facilities on W. Broad Street (U. S. Route 250) shall be
 320 approved by the Virginia Department of Transportation and the County.
- 321 26. A notice of completion form, certifying that the requirements of the Virginia Department
 322 of Transportation entrances permit have been completed, shall be submitted to the
 323 Department of Planning prior to any occupancy permits being issued.
- 324 27. The developer shall provide fire hydrants as required by the Department of Public
 325 Utilities and Division of Fire.
- 326 28. A standard concrete sidewalk shall be provided along the north side of W. Broad Street
 327 (U.S. Route 250).
- 328 29. All repair work shall be conducted entirely within the enclosed building.
- 329 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
 330 form acceptable to the County Attorney prior to final approval of the construction plans.
- 331 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
 332 approved by the County Engineer prior to final approval of the construction plans by the
 333 Department of Public Works.
- 334 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the
 335 drainage plans.
- 336 33. Insurance Services Office (ISO) calculations must be included with the plans and
 337 contracts and must be approved by the Department of Public Utilities prior to the
 338 issuance of a building permit.
- 339 34. Approval of the construction plans by the Department of Public Works does not establish
 340 the curb and gutter elevations along the Virginia Department of Transportation
 341 maintained right-of-way. The elevations will be set by the contractor and approved by
 342 the Virginia Department of Transportation.
- 343 35. The location of all existing and proposed utility and mechanical equipment (including
 344 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 345 shall be identified on the landscape plans. All equipment shall be screened by such
 346 measures as determined appropriate by the Director of Planning or the Planning
 347 Commission at the time of plan approval.

348
 349 Ms. News - The next item is on page 25 of your agenda, and located in the Varina
 350 District. This is SUB-61-06, Brandon Estates (December 2006 Plan) for 2 lots.

351
 352 **SUBDIVISION**
 353

SUB-61-06
 Brandon Estates
 (December 2006 Plan)
 4100 Darbytown Road
 Corner of Turner Road and
 Darbytown Road

**A.G. Harocopos & Associates, P.C. and P. D. Allen, Sr. for
 Madeline E. Turner:** The 3.8030-acre site proposed for a
 subdivision of 2 single-family homes is located on the north line
 of Darbytown Road and the west line of Turner Road,
 approximately 400 feet northwest of the Turner Road and
 Darbytown Road intersection on part of parcel 831-690-1245.
 The zoning is A-1, Agricultural District. Individual well and
 septic/tank drainfield. **(Varina) 2 Lots**

354

355 Mr. Archer - Is there anyone in the audience in opposition to SUB-61-06, Brandon
356 Estates (December 2006 Plan), in the Varina District? No opposition. Mr. Jernigan.

357

358 Mr. Jernigan - Mr. Chairman, I move for approval of SUB-61-06, Brandon Estates
359 (December 2006 Plan) subject to the annotations on the plans, the standard conditions for
360 subdivisions not served by public utilities and the following additional conditions Nos. 11 and
361 12.

362

363 Mrs. Jones - Second.

364

365 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mrs. Jones. All
366 in favor say aye...all opposed say nay. The motion passes.

367

368 The Planning Commission granted conditional approval to subdivision SUB-61-06, Brandon
369 Estates (December 2006 Plan), subject to the standard conditions attached to these minutes for
370 subdivisions not served by public utilities, the annotations on the plans, and the following
371 additional conditions:

372

373 11. Each lot shall contain at least one acre.

374 12. Any necessary offsite drainage easements must be obtained prior to approval of the
375 construction plan by the Department of Public Works.

376

377 Ms. News - The final item is on page 32 of your agenda, and located in the Varina
378 District. This is SUB-38-06, Marion View (June 2006 Plan). This is a reconsideration regarding
379 utilities for 3 lots.

380

381 **SUBDIVISION RECONSIDERATION**

382

SUB-38-06
Marion View
(June 2006 Plan)

QMT Corporation for William W. Browning, Jr.: The
8.68acre site proposed for a subdivision of two, single-family
homes and an industrial lot is located at 706 McCoul Street and
Old Osborne Turnpike on parcel 799-709-0564. The zoning is M-
2, General Industrial District and R-3, One-Family Residence
District. County water and sewer (1 industrial lot) and County
water and individual septic/tank drainfield (2 residential lots).
(3 Lots) (Varina)

383

384 Mr. Archer - Is there anyone in the audience in opposition to SUB-38-06, Marion View
385 (June 2006 Plan), in the Varina District? No opposition. Mr. Jernigan.

386

387 Mr. Jernigan - Mr. Chairman, I move for approval of SUB-38-06, Marion View (June
388 2006 Plan) subject to the annotations on the plans, the standard conditions for subdivisions not
389 served by public utilities and the following additional condition: No.14 revised.

390

391 Mr. Branin - Second.

392 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Branin. All
393 in favor say aye...all opposed say nay. The motion passes.

394

395 The Planning Commission granted conditional approval to subdivision SUB-38-06, Marion
396 View (June 2006 Plan), subject to the previously approved conditions with the following revised
397 condition:

398

399 14. **Revised:** Lots 2 and 3 shall be served by County water and ~~sewer~~ may be served by
400 individual septic/tank drainfields if public sewer is not available within 300 feet. A
401 detailed soil analysis shall be performed and other requirements of the Henrico Health
402 Department shall be met prior to recordation of the plat. Any lot(s) not meeting Health
403 Department approval shall be so noted conspicuously on the plat giving the date tested;
404 or unsatisfactory areas shall be combined with adjacent approved lots; or, the Health
405 Department shall certify to the Planning Department prior to recordation of the plat that
406 any lot not meeting conventional private onsite sewage disposal regulations has been
407 approved for installation of a private pre-engineered secondary treatment disposal system
408 in accordance with current Virginia Department of Health "Sewage Handling and
409 Disposal Regulations." Details of any approved system shall be included on the final
410 construction plan prior to recordation of the plat.

411

412 Ms. News - That concludes the Expedited Agenda.

413

414 Mr. Archer - All right. Thank you so much, Ms. News.

415

416 Mr. Silber - Next on the agenda would be consideration of Extensions of Conditional
417 Approval. There are three that are up for extension of conditional approval. All three of these
418 are being handled administratively. It does not require Planning Commission action. It is
419 provided for informational purposes on this agenda for the Planning Commission. Ms. Goggin is
420 here if the Commission has any questions on any three of these extensions.

421

422 **FOR INFORMATIONAL PURPOSES ONLY**

423

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended Recommended
Holladay Hills (December 2005 Plan)	Brookland	21	21	0	1 Year 12/12/07
Michael's Way (October 2005 Plan)	Fairfield	18	18	0	1 Year 12/12/07
Turner Woods, Section C (December 2005 Plan)	Varina	5	5	0	1 Year 12/12/07

424

425 Mr. Archer - Are there any questions by the Commission? Good morning, Ms. Goggin.

426

427 Ms. Goggin - Good morning. Thank you.
428

429 Mr. Silber - All right, hearing no questions we will process those administratively.
430 Moving on to the first item on your agenda, and it is on page 9. This is a plan of development
431 for architectural. This is POD-42-06, West Broad Village.

432

433 **PLAN OF DEVELOPMENT – ARCHITECTURALS**

434

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

Timmons Group and Antunovich Associates for West Broad Village, LLS, West Broad Village II, LLC and Unicorp National Developments, Inc.: Request for approval of architectural plans, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 63,875 square foot grocery store with mezzanine, a five-story, **139,304** ~~133,166~~ square foot retail/residential building, a five-story, **94,830** ~~93,118~~ square foot retail/residential building, and a four-level, **702** ~~680~~ space parking garage, ~~and a one-story, 6,255 square foot clubhouse~~ in an urban mixed use development. The 115.04-acre site is located along the south line of W. Broad Street (U. S. Route 250), the north line of Three Chopt Road, and the east line of the future John Rolfe Parkway on parcel 742-760-7866. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

435

436 Mr. Archer - Is there anyone in the audience in opposition to POD-42-06, West Broad
437 Village - Architecturals, in the Three Chopt District? No opposition. Mr. Wilhite, good
438 morning, sir.

439

440 Mr. Wilhite - Good morning. Thank you. This is the second submittal of architectural
441 plans for the West Broad Village project. Last month we approved the first set of plans. We
442 also had plans for the Whole Food Grocery Store and that was deferred until today's meeting.
443 We do have updated square footages on all these buildings which I'll be providing to you as we
444 go.

445

446 The Whole Food Grocery Store, we have received the revised plan and based on staff's
447 comments they have come up with a new concept. It is definitely more urban in appearance. It
448 has a different massing than the building we saw last month. Staff has had a chance to review
449 the massing and approve the direction they were heading in. In speaking with the architects
450 today, we do have some additional concerns where perhaps the building needs to have some
451 more detailing done. Also maybe some changes to the color variations within the building. The
452 applicant does seem willing to work with staff in revising and dealing with these issues prior to
453 approval of a building permit. Here are a couple of the elevations here (referring to the map on
454 the screen).

455 Mr. Silber - Mr. Wilhite, perhaps you can point out the elevation that has the Broad
456 Street frontage.

457

458 Mr. Wilhite - The Broad Street frontage would be here (referring to rendering), this side
459 right here is facing Broad Street. The loading door, here, is at the northeast corner, this is facing
460 toward the interchange of W. Broad Street and I-64. We had suggested to the architect that some
461 additional detailing in this area might be appropriate. Possibly the addition of the metal canopy
462 like you see on this part of the façade, continue cross there and the brick detailing up over top of
463 the canopy be continued as well. I'll go through the other buildings here. The architects are
464 here to go into greater detail of what is being presented today.

465

466 This is the design for the larger block of buildings. These are actually three different buildings
467 plus a parking deck together. Two buildings are essentially combined. This is a
468 retail/office/residential building (referring to picture on screen). That's a combination of about
469 four and five stories, the total square footage being about 139,304 square feet and these contain
470 two floors of residential development with a total of 64 dwelling units. That's going to appear
471 on the left side of this elevation here and across the front. On the right-hand side of this end of
472 the block, it has separate buildings. A retail/residential building, five stories in height, a total of
473 94,830 square feet. This also has two floors of residential...three floors (speaking to one of the
474 developers), four floors, containing a total of 56 dwelling units.

475

476 The W. Broad façade is this lower one on the bottom here (referring to rendering). This is a
477 three-story façade. It is primarily constructed of precast concrete panels, and this hides the
478 parking deck which is in the middle of this block. The parking deck is four levels. It now has
479 702 parking spaces. The parking deck itself will be hidden completely by the building facades
480 and they have created more of a streetscape type of treatment facing W. Broad Street. We
481 suggested to them that it might be a good opportunity to add some thin brick applications to
482 increase the amount of brick facing W. Broad Street. Also perhaps darkening the pallet a little bit
483 to blend closely to the Whole Foods Grocery Store and the future buildings that will be
484 submitted and considered by the Planning Commission in the future. The design of this block is
485 in keeping with the theme of the first block of buildings we saw and approved last month. And
486 they have continued the design theme and it seems to be compatible.

487

488 The club house that was mentioned in the caption has been removed, therefore no consideration
489 is needed at this time. The plans are in the packet. We have not received any revised plans at
490 this point. As I mentioned, the architects for the project are here and can go into greater detail.
491 Staff is in the position to recommend approval of these plans with the staff's comments that I just
492 went over. If you have any questions, I'll be happy to try to answer them.

493

494 Mr. Archer - Thank you, Mr. Wilhite. Are there any questions from the Commission
495 for Mr. Wilhite?

496

497 Mrs. Jones - I would like to ask a question just so that I understand the design that we
498 are looking at now, the W. Broad façade.

499

500 Mr. Wilhite - Lower.
501

502 Mrs. Jones - Excuse me.
503

504 Mr. Wilhite - On the lower part.
505

506 Mrs. Jones - On the lower part. Was there discussion of the roof line before the middle
507 two thirds of that façade with more delineation or just... did that ever come up?
508

509 Mr. Wilhite - No. We didn't speak directly to the architect about making changes there.
510 There are some variations in the cornice design of the building. Perhaps it might be an
511 opportunity to increase the variation in height.
512

513 Mrs. Jones - And you said that the discussion did come up about brick veneers and a
514 little more coloration difference?
515

516 Mr. Wilhite - Yes. We spoke to the architect this morning after he got some
517 clarification on the type of materials being proposed along with the facades. It all seems to be
518 concrete panels. We didn't have any information on what the final finishes were going to be.
519 We expect there to be some variation just like you have in the rest of the block, but we indicated
520 to them perhaps that additional brick detailing facing W. Broad would be appropriate.
521

522 Mrs. Jones - And they were amenable to accepting that?
523

524 Mr. Wilhite - They are willing to work with staff prior to building permit approval.
525

526 Mrs. Jones - Okay. Thank you.
527

528 Mr. Silber - Mrs. Jones, perhaps the architect can address some of your concerns about
529 the roof elevations across the front there. Basically, the area behind, which is the parking
530 garage, maybe they can address that.
531

532 Mr. Archer - Are there any further questions of Mr. Wilhite?
533

534 Mr. Branin - Not of Mr. Wilhite.
535

536 Mr. Archer - All right. Will the applicant please come forward. Good morning, sir.
537

538 Mr. Antunovich - Good morning. I'm Joe Antunovich with Antunovich Associates. I'm
539 representing our client, Unicorp. I'll be brief. We just have a few images we would like to share
540 with you. You asked about whether this first building was consistent with the plan and certainly
541 with the overall image that we had presented over the years, over the last year, and the overall
542 plan and the A-4, A-7, and A-8 buildings, just seeing it here you can see it outlined on the plan,
543 the overall site plan. The reason we divided these up in different building numbers is simply
544 because of the areas of the buildings. This block is almost a block and a half long by a block

545 wide and the parking lot sits in the center. The A-4 and A-7 buildings to the left are actually one
546 building and then the A-8 building to the right is a second building. And the areas, as Mr.
547 Wilhite identified, are accurate. The parking garage has 702 spaces at four levels.

548

549 This is the ground floor plan that has all of the retail tenants identified. We are out actively
550 leasing this now. The streetscape, we are continually working with the staff on, and the 702-car
551 parking garage. W. Broad Street is to the top of the drawing which is the elevation that you were
552 asking about what protrudes out, what shows toward that street. This illustrates actually the
553 second floor plan. A-4 has two stories of retail and that's why it's shown in this color in the left-
554 hand side. And then the residential which is also single loaded so that all of the units actually
555 look out over the street are illustrated here with the yellow being the corridor at the back of the
556 units. Then the parking lot shown there (referring to rendering on the screen). This is the
557 elevation that faces the grand street, a combination of brick, stucco, stone, all of the facades
558 different. All of the buildings are really a collection of buildings as if they were built over a
559 period of time. The two end elevations, the one facing the west to the left and to the east to the
560 right you can see a slight difference in the number of stories. This is an updated elevation that
561 actually faces back towards Broad Street. The way the buildings come at the ends, enclosing the
562 parking garage, the two glass elements are stairwells so that people can actually walk down and
563 not be afraid within the stairwells so that you can see people circulating. And then the enclosure
564 of the garage made up of a series of panels and I think that we discussed with staff differences in
565 materials that we could embellish with some thin brick. And also there are some transformers
566 shown here that we have agreed to remove from the sidewalk.

567

568 You can see the building all the way in the back, that's just the back of the "U" and you can see
569 the edge of the parking garage here (referring to screen). Those stairwells are in fact in the
570 parking garage so as you follow that roofline along there is some variation within the parking
571 garage itself. Those stairwells are on the outside of the parking garage so they do go up and
572 down, and as best we can, we tried to vary the roofline as it comes between those two vertical
573 circulation elements.

574

575 We are very excited about this building. It is the first mix-use building that we've been able to
576 present and come before you, and that coupled with the revisions to Whole Foods and, Jim, if
577 you would like to go through those you can just enhance those with that point right there.

578

579 Mr. Silber - Can I ask you one question? On the parking deck, is the top level of the
580 parking deck open?

581

582 Mr. Antunovich - Yes it is, it is open. We are having some discussion with the residential
583 folks on that but currently it is open as we have on the plans. Should that change we will come
584 back to you, but right now that upper level is open.

585

586 Mr. Silber - So, the front facades would hide obviously the car fronts, but people who
587 are walking up there would you see them from the street elevation?

588

589

590 Mr. Antunovich - You won't see any vehicles because that parapet wall that will be
591 located... you can see the stairwell is complete height and the others are half height walls. So
592 most all of the cars on the perspective that you view these from on W. Broad Street will be...
593 you won't be able to see cars up there at all.

594

595 Mr. Silber - And lighting up there?

596

597 Mr. Antunovich - The lighting will be lower poles. We are not going to have huge high
598 poles, but they will be indirect and the lighting will be directed down, so there won't be glare
599 visible from the surrounding streets.

600

601 Mr. Silber - Will you see light poles from Broad Street?

602

603 Mr. Antunovich - We will have some light poles approximately 12 feet high, and those will
604 be strategically located. Not only are we concerned about not having the lights spilling out onto
605 the streets below or having glare from the surrounding streets, but we are also concerned about
606 the residents, even though they are single loaded, we don't want that level of glare at the
607 perimeter of the building at all.

608

609 Mr. Silber - In your experiences are there other ways of lighting a rooftop parking
610 deck besides 12-foot poles. Can you light it with something less?

611

612 Mr. Antunovich - Those poles are considerable lower in height than regular parking light
613 poles and we have used those successfully in some of the other garages that we have done.
614 There needs to be a certain level of safety up there for the people that are up there and that's the
615 best way. I think, in just discussing it here today, perhaps we can look at other ways of doing it,
616 but right now that is our intent with poles, really low street-height poles, which would
617 approximately be 10 to 12 feet high.

618

619 Mr. Silber - I'm just wondering if Mrs. Jones doesn't have a good point. If there was
620 some variation in the parapet wall site elevations and you pull the light poles back off the edge of
621 the building and have them more interior you may not see them from some distance back and it
622 may soften the appearance some.

623

624 Mr. Antunovich - That's a great idea. We will follow up on that. This garage just happens
625 to be three bays in width which is 180 feet which is over a half of a football field wide. It's a
626 pretty big garage. We kind of lose sight of the scale of this building. It's 450 feet long by 300
627 feet wide. It's a big building and so this garage is a sizeable garage.

628

629 Mrs. Jones - A follow up factor to the lighting, which I do think it is an important
630 point, is that the lighting for safety's sake would probably be a 24-hour situation, would it not?

631

632 Mr. Antunovich - Yes, I think as we operate the buildings we can see of bringing those down
633 but we will have residential parking up there.

634

635 Mrs. Jones - Maybe an opportunity for wall-mounted lighting or for other things that
636 could be less, pretty less glaring, it would be less harsh.

637

638 Mr. Antunovich - And I think around the perimeter that is a pretty good idea. It's just that in
639 the center, because we have such a large field, there's a challenge. And then of course we do
640 have a six-page police report, in detail within, comments on this very topic.

641

642 Mr. Branin - Which brings us back to the idea of raising the parapet and staggering the
643 height a little bit so that you can achieve the safety factor, as well as providing the light, as well
644 as blocking it visually.

645

646 Mr. Antunovich - We would be willing to do that.

647

648 Mr. Archer - Mr. Antunovich, can I ask you one question?

649

650 Mr. Antunovich - Yes.

651

652 Mr. Archer - In looking at this and looking at the various heights of the parapet wall
653 and realizing that the flooring would be one uniform height, what would be the height of the
654 lowest parapet wall?

655

656 Mr. Antunovich - For the lowest parapet wall, approximately four feet.

657

658 Mr. Archer - Then some of the others will be quite a bit higher then.

659

660 Mr. Antunovich - Some of the others would be as high a six feet, yes.

661

662 Mr. Archer - Okay.

663

664 Mrs. Jones - But, you still would see people and at four feet you can certainly see some
665 cars.

666

667 Mr. Branin - Car tops.

668

669 Mr. Antunovich - Except that they are up in the air and your (perspective is from below sic)

670

671 Mrs. Jones - Perspective, I got that.

672

673 Mr. Antunovich - But I think, given what we agreed to with Mr. Branin, I think we can
674 adjust those heights.

675

676 Mr. Archer - All right. Are there any further questions?

677

678 Mr. Branin - I'm sure I will, but I know the gentleman from Whole Foods wants to
679 speak.

680 Mr. Voelzke - Good morning. I'm Jim Voelzke with MJG Architects. We are the
681 architects with Whole Foods Market. It's good to see you all again. We have had a busy month
682 since we were last here. We have completely redesigned the building. My staff and I have spent
683 a couple of days down in Richmond. We have met with the Planning staff down here, at least on
684 two occasions. We showed them our progress and we showed them the direction that we are
685 going in as well as met with Unicorp and met with Whole Foods and wanted to get everybody on
686 board with where we would like to take this design. We are very excited. It was a fun
687 opportunity to redesign the building and we are very excited with the direction it is going in.

688

689 The plan of the building has not changed dramatically although some of the curves are sort of
690 broader, kind of more modern. Movement from the old design has been removed. I will start
691 with the main elevation. The elevation that basically deals with the parking and it is the east
692 elevation of the building and on the right side is the main entrance to the store. We are raising
693 that up and kind of creating a grand entry hall. The Y should be an exterior space that will have
694 some exterior sales here year round, plants, gardening supplies, fruit and produce and the like.
695 To the left we have completely opened up the entire east elevation so it's all approximately 12-
696 foot-high windows facing into the store. Above those windows is a continuous canopy
697 providing weather protection as well as some shade for the windows, some decorative lighting
698 and above that is extensively detailed brick with different penetrations and different projections.
699 What you see on the left, which we will get to on one of the other elevations, is that it starts to
700 curve around as it faces one of the main streets of the project. And then set back a little bit is the
701 raised area creating a high kind of food hall over the main part of the store.

702

703 This is the south elevation facing the street. Previously, this adds some different kind of modern
704 attempts. Right now what we have done is kept the windows where we can have them for the
705 store, on the right side. Created a secondary entry into the store that curve feature we talked
706 about on the east elevation you are seeing now on the south elevation and then we will run a
707 continuous canopy reminiscent as to what's on the east down the entire south elevation for,
708 again, shade and weather protection and provide cover for an outdoor seating area all the way
709 down to the corner and then that back, just a little bit, and on top of the drawing you are looking
710 at clear-story windows as you are entering into the main food hall of the store. This is the
711 elevation that faces the main entrance street. This is the back of our store, but we have opened
712 up and created clerestory windows in the middle of the elevation with canopies to recall the other
713 two sides and to provide shadow and to provide some visual interest to this façade. We have
714 added decorative lights and extensive decorative brick detailing. And then to break down the
715 overall mass of the building, which at this point is approximately 300 feet long. The main food
716 hall of the store actually projects out about a foot and sort of starts to recall and draw people
717 around to the other side. The windows are up high because it is the back of the store, but they
718 will be open to the store and create some visual interest and then on the left of the drawing you
719 are seeing what becomes the form that faces Broad Street and that's a two-story form with
720 windows into the store, offices and conference rooms.

721

722 This is the elevation facing Broad Street (referring to screen). Again, we tried to break it down.
723 We split it approximately in half on the right side of the two-story form that on the first floor
724 backs out to the store and the second floor is the store offices. On the left side you are seeing

725 landscaped, detailed brick walls to screen the loading dock and then you are starting to see the
726 sides of the main entrance to the store on the complete left with windows that kind of create
727 interest into that out door sales area.

728

729 There are a couple of three-dimensional views of the store. The one on top is approximately
730 what you will see as you are driving into the project. That corner is pretty heavily detailed, a lot
731 of brick detailing. There is a stone base that continues around the whole store. The parapet,
732 brick sort of matches the kind that creates visual interest on the right and left and then it
733 completes a kind of facade of glass and glass store-front windows into the offices and brick piers
734 and then you start to see the canopies kind of creating a sidewalk and sort of nice pedestrian zone
735 running down that side of the building.

736

737 On the lower photo you are looking at the southwest corner of the building and we are working
738 with landscape architects to create a sort of a small urban park here with landscape features,
739 attractive landscape features, flowers and trees up against the building and then the canopy that
740 starts to create the outdoor sales area bringing you around to the secondary entrance to the store
741 which is on the far right.

742

743 These are the two views of the front of the store. The lower view is the southeast corner of the
744 store. Those are approximately 16-foot-tall windows looking into the store café with that
745 canopy, again, coming off both sides and a somewhat symmetrical form. Fancy windows into
746 the store. On the upper side, you are looking at the main store entrance feature and then the
747 loading dock screen walls.

748

749 Some overall thoughts on where this design came from. As I said, my staff and I spent a couple
750 of days down in Richmond looking at a bunch of different buildings and spending some time in a
751 lot of the different neighborhoods that you all pointed us toward. As we discussed last time, it is
752 hard to find the kind of small town buildings with 60,000 square feet, so what we have tried to
753 do is really take our building and break it down into a couple of distinct masses. We brought our
754 main building form, it's best described in that lower picture (referring to screen) to a parapet
755 height that is a little bit less than 20 feet actually to really bring the building scale down. And
756 then to kind of create visual interest, we raised up more architectural pieces at the main entrance
757 and at the main food hall. And on the upper foot you can see over the two-story office area. We
758 thought it was important to take those different sort of taller architectural forms, interject them
759 into the main form of the building, and then work with sort of a lot of brick detailing to be
760 reminiscing of a lot of what we saw in Richmond, but we did think it was important to kind of
761 maintain a consistency across the design too so that it didn't look to haphazard, so there is a
762 continuous stone base that wraps the entire project. We wanted to keep that at the same height,
763 again, give it kind of a consistency to avoid getting a little over designed. And, then, although
764 the brick will probably have a range to it, meaning it's a couple of shades of the same color, but
765 we are using the same brick for all sides of the building. And create, where we don't have the
766 windows, to really open up into the store we are planning on, where you start to see a little
767 through here (referring to screen) extensive brick detailing, corbelling, projections and that type
768 of thing.

769

770 Mr. Branin - How do you feel about it?

771

772 Mr. Voelzke - We love it. We are a little tired. It's been a busy month but we are very
773 excited about what we have done. There are some different people in the office who have gotten
774 involved in it so we have had a lot of eyes and ears. We really think that it has a tremendous
775 potential to be the highlight of this project.

776

777 Mr. Branin - I know the building, and I'll tell you again like I did at the last meeting.
778 The building that was brought in was a beautiful building, and obviously you kind of got where
779 we were going with it.

780

781 Mr. Voelzke - Yes.

782

783 Mr. Branin - It didn't belong.

784

785 Mr. Voelzke - I understand. We understand that, in fact, contrary to what you might
786 think, it's actually sort of fun to start over on a project because you have a lot of knowledge or
787 your already have sort of tripped over yourself a few times, so this is an exciting project for us.

788

789 Mr. Branin - And I think you are a lot closer. The staff just about died when I said that
790 it could be better because I know how hard they have worked with you, with this building. I
791 think that you heard the comments above when you are saying a northeast prospect, including a
792 little bit more enhancement above that door possibly.

793

794 Mr. Voelzke - I think that is a great idea. And we are rendering that door right now with
795 a metallic finish. I think we can paint that door out to match the brick.

796

797 Mr. Branin - The appearance is getting there. I know that you are still open to putting a
798 little more enhancements, possibly a little bit more landscaping around the building. Staff is
799 very excited to continue working with you on that.

800

801 Mr. Voelzke - Yes, we have met with a landscape architect. I think that is critical to how
802 this building hits the ground. And, with regard to more detailing, it's hard in a monochromatic
803 building to sort of insinuate the details at this time, but it's what we do. And I don't want to call
804 us experts, but we are sort of masonry design. We have done a lot of masonry buildings that have
805 won a lot of masonry design awards. It's the medium that we are most comfortable working in.
806 You are starting to see some alludence to it in the shadows but in a monochromatic building it's
807 hard to really capture that at this time. Our intent is extensive.

808

809 Mr. Branin - Do you have any questions for the Whole Foods group?

810

811 Mrs. Jones - I would like to ask a few if you don't mind. I'm not an architect but we
812 are looking at designs now and so I would like for you to educate me a little bit. If you are
813 looking at the northeast prospective here, you say that loading door or whatever is under
814 consideration for some other kind.... How could you improve on that?

815 Mr. Voelzke - There is only so much we can do. We do have a little bit of a challenge
816 here that we've got a building with four sides and we have to get products into the store so we
817 can sell it. We've already gone four or five steps towards the best you can do in the sense
818 that.... This loading dock is designed.... What's on the other side of that door is open to the sky.
819 This is just a big screen wall. We designed it big enough so that the trucks pull in and the door
820 comes down, so the door stays down most of the time. We have done projects that have had
821 more decorative doors, sort of wrought-iron gate type of thing, but the problem is that they are
822 going to be more transparent. And the type they already use meaning more of a gate type of
823 thing, which somebody has to come out and physically swing, the trick here is to kind of get it
824 closed when the trucks are in there. So, I think the roll-up doors are the best route to go. What
825 we have done in the past is painted the roll-up doors to match the brick and that helps some.
826 Somebody suggested a canopy over top of it. I think is a neat idea and that could help. It would
827 be taller than the other canopies, obviously because they have to get trucks underneath it, but it
828 will start to create a shadow line which will immediately kind of cut that thing down. There is a
829 main door to the left with again a canopy over it and a maybe a more decorative door there will
830 help and then the actual kind of landscaping on the right side. What happens to that actual corner
831 can help.

832

833 Mrs. Jones - The discussion last time centered around rooflines and windows because
834 in my layman experience those are the things that create the reaction to the building. If you look
835 at your plan, the images there before us now, compare them, for instance, to what was presented
836 for the other buildings in the area, here, I seem to be the only one that is still feeling that it
837 disconnects. And I realize that Whole Foods, please understand I can't wait until Whole Foods
838 is here. I will be a great customer but I want Whole Foods to be a solid citizen for West Broad
839 Village as well and not stand alone. I don't think we are looking for stand alone products, we
840 are looking for a unified village concept. With that, I keep coming back to windows and
841 rooflines. Looking for some more detailing around the windows or maybe arches, I'm not sure
842 what will work for you but I keep looking at these flat rooflines and the squared off windows and
843 wondering whether we can pump that up a notch to make it blend more with, for instance, what's
844 shown on staff Plan II when they showed the other buildings under consideration today. As an
845 architect, I need your thoughts on that.

846

847 Mr. Voelzke - I think that we did sort of decide at the beginning, if you remember, I'll
848 first design into the redesign that it was important that the building read as one building and not
849 try to break it down into multiple buildings so that it was sort of a fake façade over a bigger box.
850 And what we did with this, when you talk about trying to be part of the village and sort of be a
851 good corporate citizen and part of the town that we are creating here, we looked to other small
852 towns and even other neighborhoods in Richmond to see how the bigger buildings were handled
853 or what are the better bigger buildings. They are usually your schools, where generally they are
854 found with a padded sort of main central high school type of form. Your transportation hubs,
855 train stations that type of thing, and then when you get to the outskirts sometimes some more
856 industrial buildings. We try to borrow or look at sort of schools and train stations in the sense
857 that these are the sort of buildings that fit in the neighborhoods but are still kind of bigger than
858 the main street storefront. We do borrow a little bit from those kinds of historical forms. Here,
859 (referring to screen) with regard to windows, I don't think that we are quite there yet but we are

860 moving in that direction. The front, the main parking elevation right now you are starting to see
861 some attempts at dynamic mullions in designs which are delivered, these sloped mullions are
862 windows that we have done at other Whole Foods and other retail projects. They are very
863 expensive but everybody sort of responds to them with the light and they really create a kind of
864 dynamic store front in an interesting sort of first look. At the corner there I don't think we've
865 gotten half way through the design but they are supposed to be taller, sort of really grandiose
866 storefront window and then we are trying to create a kind of (unintelligible) windows with all the
867 higher areas where we can.

868

869 As an architect I think that we have fairly well integrated, I mean very well integrated into the
870 rest of West Broad Village in a sense of using that line of thought which I was using, which is
871 how the bigger building and smaller buildings fit in.

872

873 Mrs. Jones - All right. Let's just take as an example that long swath of metal seam roof
874 that is on, I'm not sure which elevation is was, but....

875

876 Mr. Voelzke - Like this one, here (referring to screen)?

877

878 Mrs. Jones - Yes. Take that as an example. Can that be broken up with, I don't want
879 to say with dormers, that doesn't exactly fit in with this, but can it be broken up with
880 architectural....

881

882 Mr. Voelzke - I don't think dormers is necessarily a bad idea and it could be broken up.
883 I think that it is important that you understand that that is set way back and that would be the
884 only kind of true roof form that you will see from W. Broad in the sense that this is a real, it's a
885 standing seam metal roof which adds considerable costs to the project. It will have shadow lines
886 every 18 to 20 inches and will create a sort of a, that end of it itself, I think will be attractive. It
887 will be more attractive than some of the other, you know, looking at the flat roofs of some of the
888 other buildings. It sets back so it is very much a third view in a sense like from W. Broad or
889 from this view that roof is 200 feet beyond, and you won't probably be able to see that roof from
890 a pedestrian level, ever. But, we have toyed with dormers mainly for two reasons. One, to break
891 down the mass, which I agree is worth considering and two to add more dynamic light sources
892 inside the store.

893

894 Mrs. Jones - And are you still kind of toying with those kinds of things?

895

896 Mr. Voelzke - Yes.

897

898 Mrs. Jones - And for instance the higher width lines here, can they be made more
899 interesting by addition of any kind of a tower cap?

900

901 Mr. Voelzke - Yes, they could. We were trying kind of stay consistent with our building
902 form, we always struggle to try to create a building that has, what we call, has architectural
903 integrity that looks like it is actually a building and it is not Walt Disney World. You know, we
904 struggle with trying to just make a building that people feel like they have seen it before and they

905 respond to it and they kind of understand it. In this particular language, where I agree with what
906 you are trying to do, and I think that we can play around with some height and stuff. We were
907 hesitant to start to introduce roof shapes because it just wouldn't be germane to some of the
908 prototypes that we are using for this, but we have tried, especially when you look at this
909 elevation, if you start from the left to the right this roof is undulating all over the place and we
910 are fortunate to have the two-story form at this point, we have a taller building. We are also kind
911 of changing the different types of coping. On some of the parapets you will see noted with cap
912 stone coping which will sort of have an eight or ten inch height to it and a deeper projection, so
913 you will get a shadow line around. And then one of the things that we do a lot at my firm, we
914 thought decorative metal coping, it's not the four-inch sort of folded pieces of aluminum with
915 seams every eight feet that you are used to seeing, but we will do almost an 18-inch profile. We
916 will do a standing seam detail on it every 14 inches so that it will create this sort of textured
917 shadow lines around the parapet. And so we put the term decorative on here in the sense that it
918 is not a four-inch piece of aluminum, but something visually interesting.

919

920 Mrs. Jones - I realize that the flat renderings don't do justice to this vision that you
921 have, I realize that. And, so my whole point in discussing this, and I will stop now, is that I feel
922 this will be, this has the potential to be a really attractive and signature building for this project
923 and I am still looking to the rooflines and windows for some more tie to the project as a whole
924 and I'm happy to hear that you are considering that and will continue to.

925

926 Mr. Voelzke - Your points are right on and that is where we are with the design and the
927 office. It is important to understand that as these things progress we sort of watch over the
928 design back and forth as we get through the details. And as a firm, we do our own construction
929 documents so that we can control the design through the process. We have a saying that we stop
930 designing when we turn in for a permit. So, you are going to continue to see modification and
931 tweaks and I'm confident that you all will be satisfied with where it ends.

932

933 Mrs. Jones - Thank you.

934

935 Mr. Branin - I feel a lot better now that you have stretched a little bit more of what you
936 are doing now with this. Joe, can I talk to you for one more second? Joe, I still have a little
937 concern about the design with the residential building, making sure that the brick has brick color
938 shades close to the Whole Foods, and also the treatments on the parking deck façade. What kind
939 of finish are you putting on it?

940

941 Mr. Antunovich - These elevations are a little bit washed out, the colors are, and just....

942

943 Mr. Branin - Which is what I was hoping. You guys are bringing it along and we are
944 going to move forward with this and we are not going to take everybody in the room time any
945 more with this. I need you to be very conscious and aware that we are building a diamond so we
946 don't want to cut any corners and staff as well as myself, but they are probably a little bit more
947 comfortable than I am, with getting the quality that we need and getting the vision consistent
948 with what you are bringing in now.

949 Mr. Antunovich - Our commitment is absolutely along the same lines, and you have our
950 commitment and our developer's commitment that the materials selected here will integrate and
951 actually harmonize the whole project.

952

953 Mr. Branin - Okay.

954

955 Mrs. Jones - May I just make sure that I'm clear when we take a vote here that our vote
956 will approve the architectural with further refinement and revision?

957

958 Mr. Branin - When I make my motion I will be moving for approval with ongoing
959 adaptation.

960

961 Mrs. Jones - I just wanted to be clear.

962

963 Mr. Silber - As plans change, would you like us to have those plans reviewed with
964 you, Mr. Branin, and perhaps Mrs. Jones or whoever wants to see these plans?

965

966 Mr. Branin - I would like to have them available for the Commission.

967

968 Mr. Silber - For significant changes?

969

970 Mr. Branin - Yes.

971

972 Mr. Jernigan - I think one thing that they said when they were talking, about the addition
973 of awnings, which is a substantial change in the architecture.

974

975 Mr. Branin - Mr. Secretary, how would you like me to make that motion to take into
976 account that we are approving a POD that will be changing?

977

978 Mr. Silber - I think you are really approving the architectural plans as submitted but
979 you want to continue to have some interaction as they modify these plans.

980

981 Mr. Jernigan - It's a conceptual plan.

982

983 Mr. Archer - Are we suggesting that it be brought back to the Commission?

984

985 Mr. Silber - I wasn't necessarily hearing that but if....

986

987 Mr. Branin - I'm not saying that it has to come back just long as there is consistent
988 dialogue and consistent improvements.

989

990 Mrs. Jones - We are approving a basic concept but I think that we do all agree that
991 there are still some steps to be taken and I simply want to declare in my vote that I am reflecting
992 in some way the fact that I think we are moving forward properly but we are not where we need
993 to be for the final product.

994 Mr. Archer - Okay. Let's move along. Are we ready for a motion?
995

996 Mr. Branin - Yes, sir. Mr. Chairman, I would like to move for approval of POD-42-06,
997 West Broad Village, with the understanding that the architectural plans are being approved with
998 the latitude of improvements with working with staff.
999

1000 Mr. Archer - Very well put, Mr. Branin.
1001

1002 Mr. Jernigan - Second.
1003

1004 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
1005 in favor say aye...all opposed say nay. The motion passes.
1006

1007 The Planning Commission approved POD-42-06, West Broad Village, subject to the standard
1008 conditions attached to these minutes for developments of this type and the annotations on the
1009 plans.

1010

1011 **PLAN OF DEVELOPMENT (Deferred from the November 15, 2006 Meeting)**

1012

POD-58-06 (Revised)
The Shops @ White Oak
Village – 4500 S. Laburnum
Avenue

Vanasse Hagen Brustlin, Inc. for Forest City Commercial Group, Inc: Request for approval of a revised plan of development as required by Chapter 24, Sections 24-106 and 24-56 of the Henrico County Code, for approval of the outside display of merchandise for a proposed Lowe's home improvement store (major anchor B). The 13.21-acre site is located at the northwest corner of the intersection of S. Laburnum Avenue and I-64, west of Audubon Drive on part of parcel 815-718-5710. The zoning is B-3C, Business District (Conditional). County water and sewer. (**Varina**)

1013

1014 Mr. Archer - Is there anyone in the audience in opposition to POD-58-06, The Shops @
1015 White Oak Village, in the Varina District? I see no opposition. Good morning, Mr. Strauss.

1016

1017 Mr. Strauss - Thank you, Mr. Chairman and members of the Commission. This case
1018 was deferred at the last meeting to allow the applicant time to work out some design details
1019 relating to the Code requirements for the outside display of merchandise for retail uses in a B-3
1020 District. What we are dealing with is the Lowe's portion of the previously approved POD and
1021 there is outdoor display proposed along the front. The ordinance allows outdoor display areas in
1022 shopping centers, and the ordinance requires that the outdoor display area shall be a permanent
1023 structure capable of being secured from entry. And, I'll say it again "a permanent structure," and
1024 that seems to be the operative word we are working with here. The outdoor display areas are
1025 allowed as long as there is at least a five-foot free area of sidewalk preserved for pedestrian
1026 movement adjacent to the outside display area. Staff has worked diligently with the applicant,
1027 Forest City, the shopping center developer and representatives of Lowe's and VHB. We have
1028 discussed a range of things to define the perimeter of the outdoor display area, all kinds of

1029 things, small brick columns, wrought iron fencing. What the applicant and staff have concluded,
1030 in our last meeting, was a system of planters, landscape planters. The latest staff plan that we are
1031 handing out this morning indicates a reserved area for the pedestrian movement as required.
1032 What it indicates is how the display area is going to be defined and exactly what design elements
1033 or landscape planters are used to do so. This is a critical part of the solution because in the past
1034 there have been some issues and violations of approved display areas due to the limits of the
1035 display area either being misunderstood or ignored. The applicant has offered several plans, and
1036 one was reviewed last Friday, and we have received additional information this week generated
1037 from the discussions. So, in essence, we have three options in consideration of what we have
1038 discussed again this morning. We have here Option A. We have several round planters and the
1039 merchandise display area called out. Option A proposes 10 planters placed at the spacing of 18
1040 to 67 feet with an average spacing of 41 feet to define the display area. They have proposed a
1041 planter design which I have included in your packet this morning. Option B is staff's response.
1042 It is not as nice looking graphically, but it does indicate that we need more planters at a tighter
1043 spacing. We felt the spacing was too open and we have some concern that the planters in A were
1044 not permanent, that they could be moved easily. The staff is suggesting 12 heavier, more
1045 permanent, box type planters along with the applicant's smaller ten planters to define the area,
1046 but provide enough openness, we feel, to allow customers to enter and exit. Option C is a
1047 counter proposal that we received this week. It shows 12 box planters and five of the small
1048 planters. The spacing is tighter. It is tighter than the spacing seen previously with an average of
1049 21 feet rather than 41 feet.

1050

1051 So, in discussions this morning staff feels that perhaps a compromise between our proposal "B"
1052 and their new proposal "C" is workable. We would like to see some additional planters added as
1053 enclosures to the display area, something that would be perpendicular to the building on both
1054 ends. They have agreed to do that. We are still discussing the type of planters to be used. They
1055 would like to leave the door open for some wood finish type planters. We were thinking about
1056 the concrete type, commercial grade planters. What we've discussed is allowing staff to review
1057 these in more detail when the construction plans come in. So, basically, we are recommending
1058 an amendment of Option C and of course we would need to waive the time limit for that and I'll
1059 be happy to answer any questions you may have.

1060

1061 Mr. Archer - All right. Thank you, Mr. Strauss. Are there any questions of Mr. Strauss
1062 by Commission members?

1063

1064 Mr. Jernigan - Jim, on the original they wanted 41 feet and now we are at 21 feet.

1065

1066 Mr. Strauss - These are averages. They are not consistently spaced, I want to make sure
1067 that we understand that, it's an average over the length.

1068

1069 Mr. Jernigan - In our discussions this morning they needed a little flexibility.

1070

1071 Mr. Strauss - That's correct.

1072

1073 Mr. Jernigan - How do we word that to get where we are going and still....

1074 Mr. Strauss - I would take that handout, that you got in that packet, instead of Option B,
1075 Option C and the spacing could be determined with the final review, with the final construction
1076 plans, as with the planter details.

1077

1078 Mr. Branin - Are you comfortable with "C"?

1079

1080 Mr. Strauss - Yes.

1081

1082 Mr. Silber - Mr. Strauss, this would, in essence, would go across the majority of the
1083 front of this building, correct?

1084

1085 Mr. Strauss - That's correct.

1086

1087 Mr. Silber - I assume this would include even their storage area for handcarts and that
1088 type of stuff. We don't want the carts stored outside of this area, this would be outside
1089 display....

1090

1091 Mr. Strauss - Operationally storage carts, I'll have to refer to the applicant. I've seen
1092 some stores where the carts are outside.

1093

1094 Mr. Silber - We don't want to have this five-foot foot sidewalk and then have carts
1095 stored on that or in the parking lot.

1096

1097 Mr. Strauss - I don't think there are going to be carts used, from my personal
1098 experience, in the walkway area, but perhaps the applicant can answer that question.

1099

1100 Mr. Silber - And they are agreeable then, if I understand this, they are agreeable to the
1101 box planters at certain locations, especially on the end, so we are defining the length of this
1102 display area and then the small pot planters in between the defined locations.

1103

1104 Mr. Strauss - That's correct. I think the critical point will be when they submit the
1105 planter details so staff can assess the specifications, the weight, and things like that. I couldn't
1106 move a planter that is pretty large. We consider that, in a sense, a permanent fixture. We have
1107 had many discussions about cast in place type planters. They don't think they can live with that,
1108 but something that is very heavy. I think we construe as a permanent fixture as long as a couple
1109 of guys can't move it and you need a forklift to move it.

1110

1111 Mr. Branin - Well, if a forklift can move it then it isn't a permanent fixture and we all
1112 know that Lowe's have forklifts therefore they can move them and we'd end up....

1113

1114 Mr. Strauss - Here we get into an area where we are just going to have to have a certain
1115 degree of trust that would be in the day to day operation of this Lowe's. We have some purview
1116 with Forest City in that regard. But, I'll let the applicant speak to that.

1117

1118 Mr. Branin - Is the applicant from Lowe's?

1119 Mr. Jernigan - Yes. I don't have any more questions. Let's hear from the applicant.
1120

1121 Mr. Archer - Will the applicant come forward, please? Thank you, Mr. Strauss. Would
1122 your state you name for the record please, sir.
1123

1124 Mr. Richardson - I'm Jim Richardson and I'm with Forest City Enterprises, and good
1125 morning. The intent of this whole thing is to try to define a perimeter that will keep all of the
1126 displays within and I think we have tried to accomplish that very well plus give them the
1127 flexibility of being able to move their merchandise in and out for the display and for the purpose
1128 of the consumer. We have agreed to a couple of things in here. I think you see that we have
1129 defined a stamped asphalt walkway which also defines the lines of where the display limits starts
1130 and ends, but I think that helps in addition to the planters. In addition to this, we also do an
1131 operating easement agreement with Lowe's for Forest City which puts certain restrictions on
1132 how they display etc., etc., etc which all of this would become a part of this exhibit that would
1133 define these areas where they can display and not display. So, not only can the County police
1134 their efforts, we at Forest City also police their efforts on how they display outside because
1135 obviously we have a great concern ourselves on the appearance of the shopping center.
1136

1137 The ideal permanent versus movable, you know, you can put brick columns up and you can put
1138 brick planters in place and obviously they can be changed too. A forklift can pick up a large
1139 planter and move it. I think Lowe's has requested the flexibility that in the future, if they need to
1140 shift a line of these boxes by a few feet due to their operation, or whatever is going on, but still
1141 stay within the perimeters, and the intent of some spacing that's defined in the construction
1142 plans, they should have the ability to do that and work with the shopping center owner and also
1143 work with the County at the time that is requested.
1144

1145 Mr. Branin - Mr. Richardson, I don't disagree with you but because of the problems I
1146 have had in my district, with this planter that you are looking at, that's why I bring up the
1147 question on whether it should be movable or not.
1148

1149 Mr. Richardson - And I appreciate that, and I think the steps that we are taking, going
1150 further with the operating needs, and agreements to really define these areas, as they are allowed.
1151

1152 Mr. Branin - Then I won't have a problem voting for it, and I know that you all are
1153 pleased to know this as well. I can tell you from experience it will have to be policed.
1154

1155 Mr. Richardson - Absolutely. I cannot agree with you more. This is not only with a Lowe's
1156 store but it is also with any other retailer we have on that site. We also have to be conscious of
1157 that same condition. We are concerned with that too obviously with our background and what
1158 we do at Short Pump Town Center.
1159

1160 Mr. Branin - Quality, and that's why I just don't want to see you put into a bad position
1161 with this client.

1162 Mr. Richardson - I think these efforts by the County and staff have.... We as owners of
1163 shopping centers, we work with these national tenants across the country and believe me we
1164 always appreciate the assistance from staff and County on trying to enforce certain procedures
1165 and operations of these stores. I think that we all are on the same page and I think staff has done
1166 a good job in trying to identify these perimeters. The wood versus concrete versus brick, we just
1167 kind of want to leave that door open for a couple of reasons because architecturally and ... we
1168 found out at the mall that we took a lot of concrete planters out and a lot of the concrete fences
1169 out and we put wood in because it does softens the appearance and gives more of a more warmer
1170 feeling, not saying that we are going to do it here, we are just saying keep the option open for
1171 other types of materials that are used for these display areas.

1172

1173 Mr. Jernigan - Did you have any planters in Short Pump?

1174

1175 Mr. Branin- They haven't come to an agreement yet.

1176

1177 Mr. Jernigan - You haven't had the experience yet?

1178

1179 Mr. Branin - No, not originally. They are still asking if they can paint a line
1180 (unintelligible).

1181

1182 Mr. Jernigan - Did you say that the area through there, this crosshatch, is that stamped
1183 asphalt?

1184

1185 Mr. Richardson - Yes, right, that's a stamped asphalt, right, Mr....

1186

1187 Mrs. Jones - That's concrete.

1188

1189 Mr. Richardson - Stamped concrete.

1190

1191 Mr. Branin - You can stamp either.

1192

1193 Mr. Strauss - This is all stamped concrete, and the arrow here, stamped asphalt,
1194 references this portion of the crosswalk.

1195

1196 Mr. Jernigan - What is the rest of it, is that all?

1197

1198 Mr. Strauss - It's stamped concrete on the deck of the building, I call it a deck, it is out
1199 front. This is stamped asphalt here (referring to screen).

1200

1201 Mr. Richardson - So, you can see all along this line right here to identify the break between
1202 the walkway and the display area.

1203

1204 Mr. Branin - Which gives you a clear sight.

1205 Mr. Silber - So, you basically have approximately 21 feet of outdoor display area and
1206 that would be delineated by these planters then you would have a five-foot, stamped, concrete
1207 walkway. You then have a seven-foot loading zone and then you have your 12-foot driveway
1208 lanes.

1209

1210 Mr. Richardson - Exactly. Driveway, loading, stamped and then the display area to the
1211 building.

1212

1213 Mr. Archer - All right, are there any further questions?

1214

1215 Mr. Jernigan - Mr. Chairman, we have hashed this thing around quite a bit and I am
1216 pretty comfortable at this point but what we want to get to is where we have something that's
1217 stationary, that's not being moved. Now we've got some flexibility and you wanted some
1218 flexibility on the distance from 21 and I'm okay with that because I know you need to place it,
1219 but what I want assurance is, once this is in place it's going to remain there in some fashion. We
1220 are not going to take a forklift, if we go with the planters, I don't want them all bunched up in
1221 one spot where we left the rest of it open, we've got to have some uniformity on the walkway.

1222

1223 Mr. Branin - Come May, when it is planting time, they get creative and put them all
1224 around the corner.

1225

1226 Mr. Richardson - Like I said, whatever solution we finally come up with, we will make this
1227 a part of our exhibit to the ODA. Those planters will have to be placed within those areas and if
1228 those planters are changed in the future they have to be approved by the shopping center
1229 management and the County. Otherwise they stay.

1230

1231 Mrs. Jones - Mr. Jernigan, may I ask one more questions before we conclude?

1232

1233 Mr. Jernigan - Sure, go ahead.

1234

1235 Mrs. Jones - What I'm hearing is these planters which obviously are important feature
1236 because they define the front of this building. These planters will be a point that will have to be
1237 policed. They're a point that has proven in other locations to be problematic and they are right
1238 now a question as to materials. Wouldn't that be a smarter idea to just go ahead and understand
1239 that this will be problematic as presented, and go ahead and put permanent delineations in there
1240 that don't need to be policed and can't be moved?

1241

1242 Mr. Richardson - Obviously, if that could be done that would just lock everything in and
1243 then if you need to move it in the future you tear it down and build a new one and get permission
1244 to do so. I probably could say that that might become the case as Lowe's goes back and looks at
1245 their design, looks at their elevation, looks at the materials they want to use, gets with their
1246 operation people and tries to look at displays and how they are going to do that. Things change.
1247 Displays change. In the future, lawnmowers need to move up by the garden center or these need
1248 to move down here. How that affects that in the future, you might want to leave yourself some
1249 flexibility. When you put these large planters in place and these concrete planters are either

1250 wood or box or whatever I mean these things weigh a ton, a couple of thousand pounds by the
1251 time you put the dirt in and everything else. So, you are just not going to get up and move them.

1252

1253 Mrs. Jones - Well, the building is not going to change and the dimensions aren't going
1254 to change.

1255

1256 Mr. Richardson That's true.

1257

1258 Mrs. Jones - And it seems to me that it would certainly be a question to ask.

1259

1260 Mr. Branin - Which then by your statement you can almost assume that okay well when
1261 springtime comes or whatever, they want that flexibility to possibility infringe on and make the
1262 same mistakes they've done....

1263

1264 Mrs. Jones - I don't want to endorse the problem.

1265

1266 Mr. Branin - Right, which has been my concern, and I know it has been raised because
1267 we've been watching what has been going on in Three Chopt.

1268

1269 Mr. Richardson - Again, I think the intent is to define the line of display area, which this
1270 does accomplish, and that once these things are approved on the construction plans they are not
1271 to be moved unless approved by the proper authorities.

1272

1273 Mr. Branin - With you all putting the stamped concrete I think that helps a whole lot,
1274 actually. And I'm happy to see that, but still without being a fixed structure I will follow, in my
1275 mind, I will follow Mr. Strauss' lead.

1276

1277 Mr. Jernigan - Let me ask you this. Looking at the diagram that we have on the screen,
1278 three of these are square and two of them are round. Could the square planters be made
1279 permanent and the two round ones could have the flexibility in them? Pete, why don't you come
1280 on up.

1281

1282 Mr. Rotelli - Mr. Chairman, members of the Commission, my name is Pete Rotelli and
1283 I'm representing Lowe's. I'm sorry but I've got a little voice issue this morning. We really
1284 resist the permanent anchoring of a planter due to its weight, size and volume. If you can see, in
1285 particular, and part of the flexibility, this planter, right here (referring to screen) is directly in
1286 front of an exit door. So, we would like some flexibility possibly, and this is only an example,
1287 some flexibility possibly shifting these a couple of feet here and there, once we can establish our
1288 outdoor display patterns in this area.

1289

1290 Mr. Jernigan - Well let me ask you this. Not locking in exactly the position of them
1291 today can you determine that these structures can be in a certain place and stay there?

1292

1293 Mr. Rotelli - Oh, absolutely. Lowe's is totally against the planters to start with, but I
1294 think, in consideration for the issues we have had out in Short Pump, and trying to come to an

1295 agreement or a middle point with staff, what we have agreed with these planters, we do feel like
1296 the sidewalk delineation is sufficient. We have also added operational room in these areas here
1297 to insure that we are not encroaching on those areas. And, I guess it's like any other zoning
1298 ordinance or law in the County.... I heard the word policing earlier and it certainly seems to be
1299 what we are heading toward here. In any event, we feel like we know what the rules are and
1300 should we break them we expect retribution from that. I don't know how you are going to
1301 completely prevent it unless we do away with it all. I think there are plenty of examples in the
1302 County, it would be a little unfortunate, that we feel so much that we have been singled out here.
1303 But, in any event, we feel like we can live with the plan that you folks have in front of you if
1304 we've got some flexibility to move these planters. It does create, in addition to the sidewalk, a
1305 definite point. It does give you a defined line of sight to know where the parameters are for
1306 displaying of the merchandise.

1307

1308 Mr. Silber - Mr. Rotelli, I guess I don't feel like you are being singled out as much as
1309 there has been obvious violation of other plans that have been approved out in the Short Pump
1310 area. So, I think we are just being cautious. We are trying to make sure that we don't have a
1311 future problem, that we now have somewhere else in the County. In because of what happened
1312 in Short Pump we have to take a closer look at all of these home improvement stores and the way
1313 they display outside. So, I appreciate you working with us. I was going to suggest maybe to the
1314 Commission that the Commission might want to consider a condition that says, you may want to
1315 approve this plan but have some condition that says, "if the County observes violations in the
1316 future with outdoor display areas then the County will require a revised plan be submitted for
1317 Planning Commission consideration."

1318

1319 Mr. Richardson - I think that is a very good suggestion. The intent again is to define this.
1320 After construction plans, 99% of it is going to stay right where it is and no changes can be made
1321 unless they get approval. They may say, look I need to move one six feet because it's been an
1322 operational nightmare (unintelligible). You allow them to do that in the future but otherwise
1323 they stay where they are. They weigh a tremendous amount of weight. If one was ever moved
1324 in the future you will know that it was moved just because of what occurs under these boxes
1325 (unintelligible). I think you've got tremendous control on that.

1326

1327 Mr. Silber - I think with the stamped concrete also that is a line of demarcation. If we
1328 see anything spilling out beyond that it's going to be very easy to notice that and pick up on that.
1329 I feel comfortable with this plan we have before us. Yes there is the possibility of moving
1330 planters but I think there are other ways that violations can occur with storage outside in the
1331 parking lot and things like that. I think we have come a long way. I think Lowe's is showing
1332 some level of cooperation in trying to deal with this outside display. We will provide some
1333 flexibility in the fact that we don't know exactly, since the store has not been built, we do not
1334 know exactly where we would place permanent box planters. So, I would suggest that we might
1335 want to consider working with them in this fashion, and then if there is an issue in the future
1336 bring it back with a revised plan. I can assure you it would include more permanent structures.
1337 That's just a recommendation that I make.

1338 Mr. Jernigan - Pete, one thing. Nobody singled you out on this. I don't want you to
1339 think that, but one thing this Commission tries not to do is pass cases that we have to police. I
1340 learned that when I first came on here. The second issue, we are going to have to come up with
1341 something better because I've been here six years and right now I don't feel this will pass unless
1342 we make this concession. If there is a policing problem, then it will come back with a new plan,
1343 but I'm willing, Mr. Strauss, that we move this along, and that you add that condition in there. Is
1344 that okay with you, Pete?

1345

1346 Mr. Rotelli - That would be okay with Lowe's as long as the spirit of the policing is
1347 fair.

1348

1349 Mr. Jernigan - And that is what we are trying to be, but we are going to have a third party
1350 in here, Forest City, so if we can put that condition in there and we will go ahead and try to move
1351 this through, but administratively, after you have had your designed building built, you come
1352 back to Mr. Strauss and we will go over where these planters are going to be and how they are
1353 going to be constructed. Okay?

1354

1355 Mr. Rotelli - Agreed.

1356

1357 Mr. Jernigan - Thank you.

1358

1359 Mr. Archer - Is there anything further? Are you ready for a motion, Mr. Jernigan?

1360

1361 Mr. Jernigan - Mr. Chairman, with that I will move for approval of POD-58-06, the
1362 revised POD for White Oak Village on Laburnum Avenue with the added condition that any
1363 policing of the area, let me back up on that.

1364

1365 Mr. Strauss - I think we were saying that if staff observes any violations of the approved
1366 location of these planters that it will require the applicant to submit a revised plan for
1367 Commission approval.

1368

1369 Mr. Jernigan - You did good, thank you. Also that the previous conditions approved with
1370 the previously approved POD are also recommended with that.

1371

1372 Mr. Strauss - Yes, and the waiver of the time limit with the new information we
1373 received on Monday.

1374

1375 Mr. Jernigan - Let's get on this first and I'll get on the waiver.

1376

1377 Mr. Branin - Second.

1378

1379 Mr. Archer - All right. We have a motion by Mr. Jernigan and a second by Mr. Branin.
1380 All in favor say aye...all opposed say nay. The motion passes.

1381 Mr. Jernigan - And also on that, Mr. Chairman, I would like to move to waive the time
1382 limit on POD-58-06, The Shops @ White Oak Village.

1383

1384 Mr. Archer - We have a motion by Mr. Jernigan and a second by Mr. Branin to waive
1385 the time limit. All in favor say aye...all opposed say nay. The motion passes.

1386

1387 All right we have been going for 90 minutes, let's take a quick break and be back at 10:40.

1388

1389 **THE PLANNING COMMISSION TOOK A BREAK AT THIS TIME AND RESUMED**
1390 **WITH THE MEETING AT 10:45 A.M.**

1391

1392 Mr. Archer - The Planning Commission will reconvene. Mr. Silber.

1393

1394 Mr. Silber - Yes, sir. Next on the agenda is on page 18.

1395

1396 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

1397

POD-73-06

After Hours Formal Wear –
Williamsburg Road and
Eastover Road
(POD-111-89 Revised)

Hulcher & Associates, Inc. for After Hours Formal Wear:

Request for approval of a plan of development and transitional
buffer deviation, as required by Chapter 24, Sections 24-106
and 24-106.2 of the Henrico County Code, to construct a one-
story, 21,000 square foot addition to an existing one-story,
30,000 square foot warehouse building. The transitional buffer
deviation would reduce the 50-foot buffer by 35 feet. The 5.66-
acre site is located on the south side of Williamsburg Road (U.
S. Route 60) on parcel 811-713-1179. The zoning is M-1C,
Light Industrial District (Conditional). County water and sewer.
(Varina)

1398

1399 Mr. Archer - Thank you, sir. Is anyone here who is opposed to this plan of
1400 development, POD-73-06, After Hours Formal Wear? No opposition. Good morning, Mr.
1401 Greulich.

1402

1403 Mr. Greulich - Good morning, Mr. Chairman, Planning Commission members. The
1404 proposed addition will be connected to the rear of the existing warehouse and will match it in
1405 terms of height, width, material and ultimately appearance. The applicant has agreed to all of the
1406 comments from staff. However, there is one outstanding issue that needs to be resolved, the
1407 transitional buffer deviation request. The original structure was approved under POD-111-89
1408 and at that time there were no transitional buffer requirements. As for current Code, the proposed
1409 addition is subject to these buffer requirements. In this instance, a 50-foot transitional buffer is
1410 required on all sides when the M-1C property abuts the A-1 property. This requirement is met
1411 on the western and southern property lines with existing vegetation. This requirement is not met
1412 on the eastern property line, and as a result, the applicant has requested an additional buffer
1413 deviation of 35 feet so that if approved, the buffer would be 15 feet. They have agreed to
1414 provide additional vegetation as shown on the landscape plan in your packet. As required, the

1415 applicant is present to provide additional information supporting their request for the deviation.
1416 Should the Commission choose to grant this deviation, staff can recommend approval subject to
1417 the annotations on the plan, the standard conditions for developments of this type, and the
1418 additional conditions 24 through 35 as stated in your packet. Staff and representatives of the
1419 applicant are available to answer any questions that you might have. Thank you.

1420

1421 Mr. Archer - Thank you, sir. Are there questions for Mr. Greulich from the
1422 Commission?

1423

1424 Mr. Jernigan - Tony, on the dumpster situation, I rode out there and looked at that. They
1425 do have representatives here?

1426

1427 Mr. Greulich - Yes, sir.

1428

1429 Mr. Jernigan - I see that they have a roll-off dumpster and a conventional eight yard
1430 dumpster, so I will ask them on that, but you are OK with everything if he gets the transitional
1431 buffer deviation.

1432

1433 Mr. Greulich - Yes, sir. Staff can recommend approval.

1434

1435 Mr. Jernigan - OK. Thank you. I don't have any more questions, Mr. Chairman.

1436

1437 Mr. Archer - Does anyone else have a question?

1438

1439 Mr. Jernigan - Let's hear from the applicant.

1440

1441 Mr. Archer - All right. Will the applicant come forward, please?

1442

1443 Mr. Hulcher - Good morning, Mr. Chairman. My name is Bruce Hulcher of Hulcher and
1444 Associates and I represent the applicant. We do have a situation where we are adding to an
1445 existing building that was built before the transitional buffer requirements. We worked with
1446 staff to put enhanced landscaping, not only for the addition, but for the entire width of the
1447 existing and the new building to effectively screen it from the A-1 property which is currently
1448 undeveloped. We looked at some things about maybe modifying the building, but it sort of
1449 complicates the work flow from the existing building to the new to modify the building
1450 essentially, so we are requesting that we be granted a deviation along with enhanced screening
1451 along that side.

1452

1453 Mr. Jernigan - You know, I am actually OK with the buffer deviation because of the
1454 situation that you are in. That building is zoned M-1. It was originally a food warehouse and
1455 my question is, being in the business you all are in, the dumpsters that you have. Why do you
1456 have that roll-off dumpster? Do you all have that much going out?

1457

1458 Mr. Hulcher - Apparently they do. They have the two dumpsters. One is a recycling
1459 dumpster, the smaller one. The big one is a roll-off. As you know, this is After Hours Formal

1460 Wear, where they clean and process tuxedos and things that go along with it, and there is a bit of
1461 trash generated from that process. I am not sure how often that dumpster sits out, but I did look
1462 into it and we had planned to keep that dumpster and screen it and put it on its own concrete pad
1463 up against the building up against the building. Next to that we will have the recycle dumpster.
1464 All of this will be screened. I did not inquire as to whether they use the smaller dumpster, but I
1465 do know that we did make provision because they are so close to a landfill that picks that
1466 dumpster up and takes it to a landfill and brings it back. We don't have to upload another one
1467 and then put it in place.

1468

1469 Mr. Jernigan - The only thing that has got me is being in the tuxedo business. How could
1470 you have that much trash that you have to have a roll-off dumpster? That was the only question
1471 that I had.

1472

1473 Mr. Hulcher - I don't know. The architect is here, Mike Young, and he may be able to
1474 shed some light on it.

1475

1476 Mr. Jernigan - Well, you said the magic word, the screening for the dumpster, and that is
1477 the main thing that we are worried about, because we don't want to have the two dumpsters just
1478 exposed.

1479

1480 Mr. Hulcher - Right. They will not be and I worked with Tony on a screening plan to
1481 screen out buildings on the side and they will not be visible from any side.

1482

1483 Mr. Jernigan - OK. That is all I had. Thank you.

1484

1485 Mr. Archer - Anyone else? Thank you, sir.

1486

1487 Mr. Jernigan - I am ready, Mr. Chairman. I have two separate motions. With that I will
1488 move for transitional buffer deviation on POD-73-06, After Hours Formal Wear – Williamsburg
1489 Road and Eastover Road, to cut the transitional buffer from 35 feet to 15 feet.

1490

1491 Mr. Branin - Second.

1492

1493 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Branin. All in favor say
1494 aye. Those opposed say no. The ayes have it. The motion passes.

1495

1496 The Planning Commission voted to cut the transitional buffer from 35 feet to 15 feet on POD-73-
1497 06, After Hours Formal Wear – Williamsburg Road and Eastover Road.

1498

1499 Mr. Jernigan - With that I will move for approval of POD-73-06, After Hours Formal
1500 Wear – Williamsburg Road and Eastover Road, subject to the annotations on the plans, the
1501 standard conditions for developments of this type, and additional conditions Nos. 24 through 35.

1502

1503 Mr. Branin - Second.

1504 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Branin. All in favor of the
1505 motion say aye. All opposed say no. The ayes have it. The motion passes.

1506

1507 The Planning Commission approved POD-73-06, After Hours Formal Wear (POD-111-89
1508 Revised), subject to the annotations on the plans, the standard conditions for developments of
1509 this type and the following additional conditions:

1510

1511 24. Any dry cleaning equipment shall use only non-inflammable cleaning solvents and have
1512 fully enclosed cleaning and solvent reclamation processes and fully enclosed pressing
1513 equipment with no outside steam exhaust.

1514 25. The easements for drainage and utilities as shown on approved plans shall be granted to
1515 the County in a form acceptable to the County Attorney prior to any occupancy permits
1516 being issued. The easement plats and any other required information shall be submitted
1517 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
1518 permits.

1519 26. The developer shall provide fire hydrants as required by the Department of Public
1520 Utilities and Division of Fire.

1521 27. Outside storage shall not be permitted.

1522 28. The proffers approved as a part of zoning case C-22C-89 shall be incorporated in this
1523 approval.

1524 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
1525 form acceptable to the County Attorney prior to final approval of the construction plans.

1526 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
1527 approved by the County Engineer prior to final approval of the construction plans by the
1528 Department of Public Works.

1529 31. Insurance Services Office (ISO) calculations must be included with the plans and
1530 contracts and must be approved by the Department of Public Utilities prior to the
1531 issuance of a building permit.

1532 32. Approval of the construction plans by the Department of Public Works does not establish
1533 the curb and gutter elevations along the Virginia Department of Transportation
1534 maintained right-of-way. The elevations will be set by the contractor and approved by
1535 the Virginia Department of Transportation.

1536 33. The location of all existing and proposed utility and mechanical equipment (including
1537 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
1538 shall be identified on the landscape plans. All equipment shall be screened by such
1539 measures as determined appropriate by the Director of Planning or the Planning
1540 Commission at the time of plan approval.

1541 34. The location of outdoor storage containers on site is prohibited.

1542 35. Except for junction boxes, meters, and existing overhead utility

1543 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1544

POD-70-06
Courtyard by Marriott –
Virginia Center Commons
Shopping Center

Timmons Group and Brook Hospitality, LLC: Request for approval of a plan of development and special exception, as required by Chapter 24, Sections 24-2, 24-94b, 24-11b(c) and 24-106 of the Henrico County Code, to construct a 137 room, 86,195 square foot hotel with a proposed height of 61 feet 6 inches, or five stories in an existing shopping center. The special exception would authorize a building in excess of ~~three stories~~ and 45 feet in height. The 4.08-acre site is located approximately 700 feet east of Brook Road (U.S. Route 1) on JEB Stuart Parkway on parcel 784-769-4292. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

1545

1546 Mr. Silber - On page 20 is Courtyard by Marriott. The special exception would
1547 authorize a building in excess of 45 feet in height.

1548

1549 Mr. Archer - Thank you, sir. Is anyone here who is opposed to Courtyard by Marriott –
1550 Virginia Center Commons Shopping Center? We will get to you. Go ahead, Mr. Garrison.

1551

1552 Mr. Garrison - Thank you, Mr. Chairman and Planning Commission members. The
1553 original floor plan, revised architectural and revised layout are in your addendum for a 137
1554 room Courtyard by Marriott Hotel, along JEB Stuart Parkway, directly across the street from
1555 Holly Glen Subdivision. The revised layout addresses parking and the proffered 10-foot
1556 landscape strip along JEB Stuart Parkway, and the new architectural provide the types of
1557 materials proposed on the building. The site is zoned B-3C. This limits the height of the
1558 proposed building to 45 feet, unless a special exception is approved by the Planning
1559 Commission. The Marriott proposes a 56 foot tall building, but again would be limited to 45 feet
1560 by right if the exception is not granted. Since the revised plan and the revised architectural
1561 were only received yesterday, staff has not had adequate time or information regarding the
1562 materials to make a recommendation on the architectural elevations.

1563

1564 Should the Commission decide to act on this request, it will be necessary to waive the time
1565 limits. It is the applicant's responsibility to present his case for the special exception. I'd be
1566 happy to answer any questions you may have. Ryan Boggs from Williams Mullin and Bryan
1567 Crutchfield from Timmons Group are also here and present to answer any questions you may
1568 have. Also, I would like to note that several of the Holly Glen residents have called in
1569 opposition to the special exception due to the increased height, increased traffic and increased
1570 noise. Thank you.

1571

1572 Mr. Archer - Thank you, Mr. Garrison. Are there questions from the other members of
1573 the Commission?

1574

1575 Mr. Silber - Mr. Garrison, so the proposed height at this point is 56 feet?

1576 Mr. Garrison - Fifty-six feet. Yes. On the drawing, on the architectural drawing, it was
1577 measured from finished grade to the top of the gable, but the definition that is written in the
1578 Code is height is defined as the vertical distance from the curb grade or finished grade at the
1579 front building line to the mean height level between eaves and ridges or a gable, hip or gambrel
1580 roof.

1581

1582 Mr. Silber - Which is the average on a pitched roof? At that average point, it is 56
1583 feet.

1584

1585 Mr. Garrison - Fifty-six feet, yes.

1586

1587 Mr. Archer - All right. Any other questions? We do have opposition and we need to
1588 hear from the applicant, and, of course, you are aware of the 10-minute rule. For the rest of you,
1589 the applicant has 10 minutes and the opposition has a total of 10 minutes also, not including time
1590 that we spend asking questions. So, would you like to reserve some time for rebuttal?

1591

1592 Mr. Condlin - I will reserve five minutes. I am not going to take but a few minutes to go
1593 over our plan. My name is Andy Condlin from Williams Mullin and I'm here representing the
1594 applicant in this case. Mr. Silber identified the first issue, that we did make the application for
1595 the 61, but the real request we are asking for is to go from 45 to 56. As we further refined the
1596 plans and further took a look at the exact roof height, we are looking at a special exception
1597 request for an additional 11 feet for the hotel. The hotel is permitted, by right, and it sits within
1598 the Virginia Center Commons shopping area, which includes the Red Robin, the theater, and the
1599 tire repair store. There is a lot of activity already surrounding the site. So, we feel it is
1600 appropriate, the elevations, and we are aware staff has not had the opportunity to view those
1601 elevations specifically. We will be happy to go through them, but one of the things we did try to
1602 provide for was a lot of brick on the back side because the building actually will face the
1603 common drive area, so the rear of the property. From the Holly Glen residents there is a C-1 area
1604 as well as JEB Stuart and the landscaped area. They have both got a masonry wall that sits on
1605 their property as part of the original case. What we are providing for is an open courtyard area in
1606 the rear with an enhanced brick area in the back as well as the side and the front. We have
1607 provided the front elevations. I don't know if those are loaded on here or not. I have got the
1608 hard copies here if you want to put them on the camera and see those specifically.

1609

1610 Mr. Silber - The addendum has the revised plans. I don't know if these revised plans
1611 incorporate the plans which were received yesterday.

1612

1613 Mr. Condlin - This is the original submission to the County and the concern being that
1614 this as a front elevation didn't show the brick. This is a revised rendering that we use for color
1615 purposes, that I think the staff was comfortable with, which does show four stories and we are
1616 looking for five stories and a full 56 feet here, but that was in response to staff, and I am trying
1617 to get some feedback as to what they were looking for as well as swapping the brick and the
1618 (unintelligible). We have committed to 1/3 of the building to be brick and we can distribute that
1619 throughout and on all sides of the property. I would attempt to show you, but the black and
1620 white on the sides and rear, I think you guys really can't see on the camera as well, but we would

1621 also show that area of what we are providing for, for the brick and everything in there. We are
1622 just trying to get a feel for it and certainly weren't aware of the neighborhood opposition until
1623 just a day or two ago on how they stand.

1624

1625 Mr. Branin - Mr. Condlin, are you saying you are providing for 1/3 of this being brick?

1626

1627 Mr. Condlin - Of the total building.

1628

1629 Mr. Branin - This elevation would lead us to believe that it is probably half.

1630

1631 Mr. Condlin - Well, the front was proposed as half and that the overall, on all sides, will
1632 be one third. If the Planning Commission requests, we can go up to one-half brick, certainly on
1633 all sides, to match the front elevation, but again, that was based on the staff comments and what I
1634 was trying to do was provide some more brick on the front, and then at least less than half on the
1635 rest, and the total would be a third average.

1636

1637 Ms. Jones - Mr. Condlin, is this still proposed as a five-story building?

1638

1639 Mr. Condlin - Yes, ma'am. The lower one was used as an example of what we provide
1640 for, for color and how...

1641

1642 Ms. Jones - Oh, that is not a five-story building.

1643

1644 Mr. Condlin - No. That was just a color rendering. The rendering shows the five stories
1645 you have with the elevations...then the top rendering was the one we provided, but again trying
1646 to provide some more brick.

1647

1648 Mr. Archer - Any further questions? All right, Mr. Condlin, we will reserve your time.
1649 We will hear from the opposition. Is there any one person who wishes to speak for everyone? It
1650 is not that they would have to, but we are trying to work to the advantage of 10 minutes. Good
1651 morning, ma'am.

1652

1653 Ms. Jane Erskine - I feel as Red Robin is across the street from our back yard and the
1654 masonry walls are six feet tall and the original agreements between the County and the Virginia
1655 Center Properties and the neighborhood association was that the brick wall and masonry wall
1656 runs approximately 100 feet and landscaping was going to seal us from this development that we
1657 understood would occur at this site. Red Robin is approximately, I guess, maybe a little bit more
1658 than one-story tall and the hours of operation and all of the businesses surrounding us are
1659 limited, so we have at least six hours we do not have to deal with traffic, less noise. And parking
1660 lot noise is very audible from the parking lots across the street, and there is also a period of time
1661 where lights are dimmed in the businesses in the area. We did have a problem before, on some
1662 of the developments, with security, with people coming from the development into our
1663 neighborhood, and that pretty much has been solved at this point, and I don't see how it was all
1664 with the complete POD that we are going to have any peace at all, and forget it even being three
1665 stories high. Knowing how a hotel or motel is set up, there is going to be constant lighting on all

1666 the floors and they are not going to dump everybody out of there at a certain time and tell them
1667 to come back. There are going to be people coming in and out, possibly 24 hours a day, and
1668 there is no way that a six-foot masonry wall is going to shield us from the activities that are
1669 going on at the site, and this site is directly behind two-story houses and you can clearly see over
1670 the masonry wall into the businesses beyond. And that is pretty much what a five-story would
1671 have, people looking straight into our backyard, especially now, and there is no way that the
1672 limited amount of hardwood trees that we have can shield us from this development, much less,
1673 similarly this year, affect the quality of life issues that we are going to face with the constant
1674 interruption and people coming in at all times. And I think that really that staff should have
1675 approached the neighborhood and had citizens (unintelligible) and Marriott approach us before
1676 this even reached the planning stage that it is at now. That is all I have to say.

1677

1678 Mr. Archer - Before Ms. Erskine leaves, are there any questions from the Commission?

1679

1680 Mr. Jernigan - You do realize that they could put a hotel in there?

1681

1682 Ms. Erskine - I realize that B-3 zoning allows that, but I also realize that there were
1683 some implied and explicit guarantees in 1980 when all of the rezoning was done that the
1684 development would not impact the residential neighborhood. And when we were discussing,
1685 when the owners of the neighborhood were discussing ways to mitigate the noise, the traffic, that
1686 that is when the 100 foot buffer, 90 to 100 foot buffer and the six foot wall was proposed. If at
1687 that time, the County staff and Figgie or ATO, Inc. had mentioned that they were putting hotels
1688 on this site, other, possibly that C-1, Conservation District, would have been 200 feet. We were
1689 told that this was supposed to be a Williamsburg style development that was going to be small
1690 shops and that the hotel or any hotel would be across, where they are now, at the big conference
1691 center, and under those situations, that is when the 6 foot buffer or the 6 foot masonry wall and
1692 the 100-foot buffer was discussed. There was never any mention of putting any big hotel-type
1693 development right across the street from us.

1694

1695 Mr. Branin - Ms. Erskine, did they go over the height of the building with your
1696 neighborhood meeting?

1697

1698 Ms. Erskine - We didn't have a neighborhood meeting. What we received was a note.
1699 After I received the notice, we did have the neighborhood issues, but nobody else, I am the only
1700 one who received proper notice. And nobody called me.

1701

1702 Mr. Branin - So no one really notified you and the community didn't get a chance to
1703 weigh in on it.

1704

1705 Ms. Erskine - No. And we didn't get a call from Planning and I think Planning did not
1706 instruct the Marriott to contact us.

1707

1708 Mr. Jernigan - Well, normally on POD cases, there is no notification that goes out
1709 anyway. On zoning cases, there is.

1710

1711 Mr. Silber - Mr. Jernigan, on PODs, there is notification to adjacent landowners.
1712

1713 Mr. Jernigan - But just to the adjacent land owners.
1714

1715 Mr. Silber - That is correct.
1716

1717 Ms. Erskine - Well, if that is so, if you abut the area or the neighborhood abuts the area,
1718 and we did receive, from the last POD that came up in this area, I received a phone call from
1719 Jones Realty on it, so I don't know if...I think it is very odd that we didn't get previous notice on
1720 something that was going to impact us so greatly.
1721

1722 Mr. Branin - Well, even if it is not by necessity, it is a courtesy.
1723

1724 Mr. Archer - Ms. Erskine, at what point was Holly Glen told that Virginia Center would
1725 have Williamsburg-style buildings?
1726

1727 Ms. Erskine - That was back when they were ATO.
1728

1729 Mr. Archer - Ma'am, you will have to come up to the microphone.
1730

1731 Ms. Erskine - I wasn't at the original meeting.
1732

1733 Mr. Archer - Was it some time ago?
1734

1735 Ms. Erskine - I will let her speak.
1736

1737 Ms. Jones - Ms. Erskine, before you leave, while she is coming down, could you
1738 refresh my memory on the buildings on either side of the projected hotel. How tall are they?
1739 The Red Robin is what?
1740

1741 Ms. Erskine - The Red Robin is one story. There is nothing between Red Robin and in
1742 between The Dollar Tree, so essentially it is empty property right now, for rent and for lease.
1743 That area was cleared when the mall was built back in 1986, and nothing was put on it.
1744

1745 Ms. Jones - Thank you.
1746

1747 Ms. Brown - Nancy Brown. I live at 1014 Ethelwood Road.
1748

1749 Mr. Branin - Thank you, Ms. Brown.
1750

1751 Ms. Brown - I know that this is not a plan of development or anything like this, but this
1752 letter was dated February 29, 1980. I have lived out there since 1978. Our concerns then were
1753 the height of the buildings and what was going out there, and if you like, sometimes I can make
1754 you all a copy of this, but No. 3, "The height will be limited to one story." This was a letter
1755 addressed from Robert Lam Hart, the architect, to Ralph Axselle, and this was our concern then

1756 and it is our concern now regarding the height of the buildings being limited to one story, no
1757 zoning for apartments or other residential uses of any kind is being requested. The proposed R-6
1758 zoning at that time was being requested for office purposes only. That was our concern 26 years
1759 ago and it is our concern now. Everything that is out there right now is one-story, like I said.
1760 The Dollar Tree, The Firestone, and you are going to build a five-story hotel, you know that is
1761 going to have 24 hour operation, right there on top of our subdivision, and we are already
1762 dealing with enough noise, enough traffic, and this is something that you are going to be talking
1763 about that is going to be a 24-hour business, not a 9 to 5, which is what we were promised, and
1764 what Ms. Erskine addressed which was what we were told back in 1980, so I am just very upset
1765 about this.

1766

1767 Mr. Archer - Excuse me. What was the context of that letter? Who was it to and what
1768 was it...

1769

1770 Ms. Brown - It was, this was when it all first started back in 1980.

1771

1772 Mr. Archer - Before there was any development on the property at all?

1773

1774 Ms. Brown - That is correct. Yes, sir.

1775

1776 Mr. Jernigan - This was prior to the zoning case?

1777

1778 Ms. Brown - Yes, sir, prior to the zoning case, and like I said, that was our concern then
1779 and it is our concern now.

1780

1781 Mr. Jernigan - Mr. Archer asked who the letter is from.

1782

1783 Ms. Brown - It is from a Robert L. Hart, who was a planner and architect in New York,
1784 N. Y. It was addressed to Mr. Ralph Axelle, who at the time was working with C. B. Robertson
1785 and ATO on developing the property out at Virginia Center, and the last paragraph I will read.
1786 "We have been asked by C. B. Robertson and ATO to make every effort to protect Holly Glen
1787 and I believe the arrangements outlined above will both protect and enhance the neighborhood."
1788 Well, this hotel is not going to protect and it is not going to enhance our neighborhood.

1789

1790 Mr. Jernigan - Were you here for the zoning case, or did you come when the property
1791 was zoned?

1792

1793 Ms. Brown - I have been to every case that I can. I have been to the manufacturer
1794 warehouse, to the harmonica place they built across, and the tech center. I have been to Bergen
1795 Brunswig. Everybody has tried to work with us. They are all one or two stories that have been
1796 built out there. There is other land out at Virginia Center. The one that is going up now at JEB
1797 Stuart and Technology Boulevard on JEB Stuart is a two-story, not a five-story, and so, I just
1798 don't understand why this piece of property has to be developed right across from our
1799 subdivision. I can understand it has been rezoned, but this is not what we were promised. This
1800 is not what we were told was going to happen to our subdivision and there is no way now, like

1801 you said, that this 6-foot retaining wall is going to help us at this point, with something that is
1802 five stories tall.

1803 Mr. Silber - I think we may need to hear from the other residents and then I think we
1804 will finish hearing all of the comments...

1805

1806 Ms. Brown - I would just like to restate that we have these letters and these were our
1807 concerns 26 years ago, and everything out there that surrounds this property, the Goodyear, the
1808 Firestone, it is all one-story. You are going to have a five-story building all around the one-story
1809 office complex that is out there now. I don't understand.

1810

1811 Mr. Archer - Ms. Brown, are you aware though, that the zoning that is in place now,
1812 they can build a 45-foot building by right, and we're powerless to stop that particular situation.

1813

1814 Ms. Brown - If that is the case, it would be, but I ask that you deny the five-story. I ask
1815 that that be denied. But if we have to get...I understand that. The five-story is too much.

1816

1817 Mr. Archer - That is going to be a part of our discussion concerning this.
1818 Unfortunately, none of us were around in 1980 when the letter was written.

1819

1820 Ms. Brown - You don't know what our neighborhood and our subdivision has been
1821 through and the problem is, there is still land out there to be developed that is next to the last, it
1822 was 11.0 some acres as you go around JEB Stuart. If you allow this five-story one here, what is
1823 to say what is not going to come on the other side next to the end house, on the other end?

1824

1825 Mr. Archer - Well, we will try to address some of those things today, but I would like to
1826 hear from the other members of the neighborhood who have concerns that they would like to
1827 express. How much time is there? Go right ahead, sir.

1828

1829 Rev. Cardwell - My name is Rev. Owen Cardwell. I live at 1018 Applewood Road. I have
1830 not been a resident of Holly Glen as long as the other two because I have only been there six
1831 years, and while I recognize that there are certain by-right development issues that can go forth,
1832 in the short time that I have been there... when I first moved out there, there was only Virginia
1833 Center Commons and the Ukrop's Store and Target. They have done quite a bit of development
1834 in that area. It is very difficult at certain times of the day to even get out of our subdivision in
1835 terms of traffic. You are talking about adding another 137, at least another 137 cars per day
1836 coming in and out of the shopping center that does not already exist, and the height is a
1837 particular concern, especially since they are asking for a special exception. I understand they
1838 can do the 45 feet and I clearly understand that, but I also understand that if the special exception
1839 is not granted, that it probably it could affect the total development, so I very strongly urge you
1840 to deny the special exception. Right now very early in the morning we are hearing noise from
1841 dumpsters. The lights from this would shine directly in my bedroom and it would be a 24 hour
1842 situation, so I strongly urge you to deny the special exception.

1843

1844 Mr. Archer - Thank you, sir. Any questions for Rev. Cardwell? We have about five
1845 minutes left if somebody else wants to speak. Please come down and state your name for the

1846 record. Good morning, sir.

1847

1848 Mr. Lassiter - Good morning. My name is Donald Lassiter and I live at 1012 Ethelwood
1849 Road, which directly is the third lot up. It will be right in direct sight of the hotel and I am under
1850 the impression that you can build up to 45 feet, but I am against any higher than that. I am
1851 against the exception. As a matter of fact, this, to me, is a total slap in the homeowner's
1852 association out there. Here are the old proffers. They were presented and signed by Mr.
1853 LaVecchia at the time.

1854

1855 Mr. Archer - What is the date on that sir?

1856

1857 Mr. Lassiter - The date on that is February 28, 1989 and it outlines everything in it. No.
1858 1, it says no public dancing. I don't think there are many hotels that don't have a dance hall, and
1859 a dance floor has a bar that permits dancing. It says right here, no public dancing. Also, there is
1860 a question about the dumpsters. I was awakened this morning at exactly 4:54 a.m. That is
1861 usually, they let me sleep an hour later this morning I think. The Red Robin dumpsters clangs of
1862 dumpsters every morning from two to four o'clock in the morning. I called a couple of days ago
1863 and complained. So, I guess they let me sleep an hour later this morning. This is an exception,
1864 and again, it is a slap in our face to grant anybody anything in writing, you all have a copy of this
1865 in your office, all the proffers and covenants of it, and when someone comes in and applies for
1866 an exception, all you have to do is pull this out and say, we cannot allow you to do this, because
1867 it is right here. We agreed to this in 1989. So, while this was even presented to us is beyond my
1868 imagination. I mean, if you can't take the County's word for something, the government's word
1869 in writing, what good is government? Were any of you all on the Planning Commission back in
1870 those days?

1871

1872 Mr. Archer - No, sir.

1873

1874 Mr. Lassiter - OK, so it has all changed. Everything has changed, but you've still got to
1875 go by the original document that was presented when all of this was developed out there. If it is
1876 45 feet, I don't think it is going to be profitable for these people to build that hotel, so that is the
1877 reason they wanted to go up to, it says here 61. They want an exception to 61.6 inches, five
1878 stories. Now, how did five stories get to be 61.6 inches? Your normal room is eight feet tall.
1879 That is 40 feet.

1880

1881 Mr. Archer - Well, sir, just not too long ago, we had an amendment to the ordinance to
1882 not define building height by stories, because we didn't have the definite height figure in mind.

1883

1884 Mr. Lassiter - What I am saying here is this exception is asking for 61.6 feet. Now, what
1885 is the maximum they can go to? Is it 45 feet?

1886

1887 Mr. Archer - By right, they can.

1888

1889 Mr. Lassiter - All right. Forty-five feet by right. I am also opposed to the 24-hour
1890 operation. There is no other. Even the theater closes up at 11:00 out there. They could build a

1891 hotel on the other side of the theater. I would not even have any objections to it. Mr. C. F. Sauer
1892 bought 430 acres out there and paid 24 million dollars for it, and I am sure they would sell these
1893 gentlemen a parcel of land that they would be satisfied with, 200 yards up the road, which
1894 wouldn't bother any of the residents behind them. This hotel, I don't want drunks coming in at
1895 2:00 in the morning, slamming car doors, banging trunks, kids screaming, all hours of the night.
1896 It is not suitable for the neighborhood out there. It is just not suitable. I would challenge any of
1897 you all to live 200 feet from a hotel that is going to operate 24 hours a day, and that is what you
1898 are going to have. You are going to have head lights. You are going to have children and cars,
1899 and you are going to have people arguing, you are going to have people coming out of the bar
1900 drinking. You are going to have fights and everything else. And it happens, and I think you
1901 have some of these conventions that they have at every hotel. I think the Marriott up on West
1902 Broad had one of the political conventions this year. That created quite a commotion, so I am
1903 totally against anything that beyond what is allowed, and anytime you ask for an exception on
1904 anything, it should be denied. Thank you very much.

1905

1906 Mr. Archer - Thank you for your comments, sir. We do appreciate you all coming out.
1907 That is why we have these public hearings, so we can hear from the public and bearing in mind
1908 that the applicant can also have the right to apply for whatever it is they choose to apply for that
1909 will fall within the constraints of the zoning. That is why we are here today, and Mr. Condlin, I
1910 think, you probably want to rebut. Is there anybody else from the neighborhood who wants to
1911 make a comment? While you are coming, just let me say that I understand the letters that were
1912 written in 1980 and 1989, whenever they were, but we have to operate within the constraints of
1913 the zoning that is allowed in a certain classification, and we can't just arbitrarily tell a person
1914 what they can or cannot do as long as they fall within the constraints of the zoning. Now, a lot
1915 of this predates all of us up here. In fact, I think at the time the zoning was done, this was in the
1916 Brookland District, I believe. Nothing has been granted at this point in time.

1917

1918 (Someone in the audience speaking but is unintelligible.)

1919

1920 Again, they are zoning matters that sometimes they have by right if it falls within the constraints
1921 of the zoning classification, and we can't just arbitrarily stop them from doing that, but we are
1922 going to get to some things in a minute. Mr. Condlin, go ahead, sir.

1923

1924 Mr. Condlin - Thank you, Mr. Archer. I apologize on behalf of myself and my client
1925 about the neighborhood meeting to go over the POD, and we will be happy to continue this as
1926 necessary to have those meetings with respect to those neighborhoods. We rely on the notice
1927 from the County and the comments from the County. Until this week we didn't receive any
1928 comments. As you know, Mr. Archer, we have met with you all and the staff a number of times,
1929 but, again, we will do what is right and what should have been done before, and set up a specific
1930 meeting and go over our proposal and go over what their concerns are and see if there is any way
1931 we can alleviate those. With respect to this, I would like to say that this is not your typical full-
1932 service Marriott Hotel, Courtyard by Marriott. It is a limited service and has a lot more business
1933 travel and less traffic than typical retail, but also has an early morning check-out and an early
1934 evening check-in, so it is not your typical 24 hour operation with people coming in at all times.
1935 Now, it is by right, and we did sit down and look at the proffers and looked through the Code

1936 and saw what we could do by right. Otherwise, that is why they chose this site, given the
1937 proximity. There are two other hotels that are being constructed that are four and five stories
1938 down the road on Telegraph, and based on the information that we received and the information
1939 that was in the County record, as the gentleman pointed out, the proffers that we are putting
1940 forth, we did make application for the 61. We need to go to 56, based on the plan that we are
1941 providing for, for the five stories. We can fit the building within a 45, but we thought it was a
1942 better layout and better, more open space that would be provided otherwise by being able to go
1943 up that additional story. Based on that, we do want to be able to sit down with the neighbors and
1944 discuss things, for them to see what we can provide for, as far as the elevations, the better
1945 looking elevations than what they would typically get otherwise by adding more brick and that
1946 kind of thing. So, with that, I would be happy to answer any questions. I think, if it is agreeable
1947 to this Commission, that we will continue it forward. We would like to get any comments you
1948 do have that we can try to incorporate, as well, when we meet with the neighbors, if you have
1949 any other comments that we could move forward with.

1950

1951 Mr. Archer - Well, Mr. Condlin, as you said and you indicated in your presentation, we
1952 have talked a little about the amount of brick that would be on this building were it to go
1953 forward, and the other thing was the fact that there have been no neighborhood meetings. I
1954 understand yesterday or the day before Ms. Brown called and Mr. Garrison offered to meet with
1955 her, but she didn't want to meet at that point in time. There is a lot of history behind this, and
1956 everybody needs to be aware. Sir, please, if you are not coming up to the mike, we can't
1957 entertain comments from the audience. As everybody is aware, and everybody is not aware, but
1958 they should know that Virginia Center does have its own set of covenants that govern what can
1959 and cannot be built, and how it can be constructed, and the way it looks that really are not under
1960 the control of the Planning Commission, but the thing that stands out in this case, and we have to
1961 deal with always is the zoning that was put in at the time it was zoned, which predates all of us
1962 on the Commission and even predates Mr. Silber. Any zoning that was done right after the Civil
1963 War, Mr. O'Kelly was here for, but in any event the way I think we need to proceed from this
1964 point is for you to plan a neighborhood meeting and get a chance to sit down with these folks so
1965 that we can talk about this in great detail, and they can understand what can be done by right and
1966 what cannot be done, and we can also talk about whether or not the exception should be granted
1967 and what could be done in place of it, and how this building can be constructed, and before we
1968 go forward, I think Mr. Secretary has something he'd like to say.

1969

1970 Mr. Silber - Yes, I appreciate those comments, Mr. Archer, but I also want to point out
1971 that I did start working here in 1985, so I was here when the zoning was approved. Mr. O'Kelly
1972 goes back beyond that, but I wasn't here in 1980 when the letter was drafted to Mr. Axselle. I
1973 did want to point that out, though, because I have worked over the years closely with the Holly
1974 Glen Subdivision and a lot of effort has been made to protect this neighborhood. It is a very
1975 important neighborhood. It is one that has been there a long time, and we have worked very hard
1976 with every zoning case that has come up and every POD that has come up to make sure that there
1977 is protection for that neighborhood. I wanted to make it clear, though, that what the Planning
1978 Commission's authorization is for considering plans of development, the property that is zoned
1979 with what this hotel is proposed, it is zoned B-3C, and there are proffered conditions, Mr.
1980 Lassister, that do regulate certain aspects of the development of this property. You are correct.

1981 Those proffered conditions are in essence law that runs with the property. So, if there is
1982 anything in those proffered conditions you referred to in the letter to Mr. LaVecchia, those must
1983 be complied with and the County will be making sure those are complied with. Unfortunately,
1984 there was not a proffered condition that restricted the height of buildings, so the underlying
1985 zoning, which is B-3, would regulate the height of buildings. So, they are permitted by right to
1986 go up to 45 feet. They are asking for a special exception to go beyond that. I am sure the
1987 Planning Commission will consider that heavily in weighing whether going up to the additional
1988 height is appropriate or not. In regards to hours of operation, in the B-3 district, they are allowed
1989 to go 24 hours. That is not anything that the Planning Commission has any purview over in
1990 regulating. That is a by-right permission, so that can't be regulated. They can deal with site
1991 aspects, lighting, site design and landscaping and appearance of the building. They are all things
1992 they can get involved with. They don't have a lot of authority to say, "Mr. Hotel Developer, you
1993 should go somewhere else on the property." If what is proposed here meets the technical
1994 requirements of the ordinance, then their hands are somewhat tied as to their ability to approve
1995 or deny a POD. So, I just want to make sure that folks understand that there are some limitations
1996 the Planning Commission has in considering this. They, by all means, have the right to deny this
1997 special exception. Because a special exception is required in this case and because of its
1998 proximity to residential, that is something they will look at very closely.

1999

2000 Mr. Archer - Thank you, Mr. Secretary, and also we thank you all from the
2001 neighborhood for coming out today and expressing your concerns. The only way we know is if
2002 we hear from you, but at this point in time, I discussed this briefly with Mr. Condlin and I think
2003 at this point the best that we can do and the best thing to do is to have a deferral requested for at
2004 least 30 days and if he thinks we should go longer than that, perhaps we should.

2005

2006 Mr. Condlin - Andy Condlin. I certainly think we can get something right after the
2007 New Year and get through the holidays and have a meeting and further refine our plan.

2008

2009 Mr. Archer - If you all can come up with a place to meet, and perhaps maybe you need
2010 to meet here at the County, but whatever is comfortable for you all, and I am sure Mr. Condlin
2011 and his clients will be glad to accommodate you. OK.

2012

2013 Mr. Condlin - That will be on tract. Thank you.

2014

2015 Mr. Archer - So with that we will move for deferral for 30 days to the January 24,
2016 2007 meeting at the request of the applicant.

2017

2018 Mr. Branin - Motion by Archer and seconded by Mr. Branin. All in favor of the
2019 motion say aye. Those opposed say no. The ayes have it. The motion is granted.

2020

2021 At the applicant's request, the Planning Commission deferred POD-70-06 and Special
2022 Exception, Courtyard by Marriott – Virginia Center Shopping Center, to its meeting on January
2023 24, 2007.

2024

2025 Mr. Archer - The next meeting date will be January 24, 2007 at 9:00 a.m.

2026

2027 Mr. Silber - The next case is on page 22 of your agenda.

2028

2029 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

2030

POD-71-06 Glen Allen Service Center – Mountain Road and Hamilton Road	Foster & Miller, P.C. for Glen Allen Service Center, Inc.: Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 106.2(3)b of the Henrico County Code, to construct a one-story, 3,916 square foot auto service/repair shop. The transitional buffer deviation would permit deviations in width and alternative planting within the required buffers, as depicted on the plans. The 0.619-acre site is located on the south line of Mountain Road west of Hamilton Road at 3015 Mountain Road on parcel 770-767-2959. The zoning is B-3C, Business District (Conditional). County water and sewer. (Brookland)
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2031

2032 Mr. Archer - I don't know that we need to hear this, to be honest with you. We have
2033 agreed that this will be deferred until January 11, 2007, at our zoning meeting. So, with that I
2034 will move for deferral of POD-71-06, Glen Allen Service Center, to the January 11, 2007, at the
2035 request of the applicant.

2036

2037 Mr. Branin - Second.

2038

2039 Mr. Archer - Motion by Archer and seconded by Mr. Branin. All in favor of the motion
2040 say aye. Those opposed say no. The ayes have it. That motion passes.

2041

2042 At the applicant's request, the Planning Commission deferred POD-71-06, Glen Allen Service
2043 Center, to its meeting on January 11, 2007.

2044

2045 **PLAN OF DEVELOPMENT**

2046

POD-72-06 Christ Church Episcopal – 5000 Pouncey Tract Road	Borden Engineering, PLC for Christ Church Episcopal: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 169-space parking lot for an existing church. The 11.01-acre site is located on the west line of Pouncey Tract Road (State Route 271) at its intersection with Shady Grove Road on parcel 738-769-3891. The zoning is A-1, Agricultural District. County water and sewer. (Three Chopt)
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2047

2048 Mr. Archer - Is there anyone here who is opposed to this? No opposition. Good
2049 morning.

2050

2051 Ms. Goggin- There was an outstanding issue with the plan, but the applicant since that

2052 time has agreed to pave and provide curb and gutter for both parking lots and the new drive aisle.
2053 As stated in the report, the zoning ordinance requires public parking lots to be paved and per
2054 Public Works' policy, they require curb and gutter as well as pavement on public parking lots.
2055 With that, staff can recommend approval of the plan with the annotations, the standard
2056 conditions for developments of this type, and conditions 24 through 28 in the agenda and the
2057 applicant's representative, Todd Borden, is here if you have any questions of him.

2058

2059 Mr. Archer - Thank you, Ms. Goggin. Are there questions for Ms. Goggin?

2060

2061 Mr. Branin - I have none.

2062

2063 Mr. Archer - Do you wish to hear from the applicant? All right, we are ready for a
2064 motion.

2065

2066 Mr. Branin - Thank you, Mr. Chairman. I would like to move for approval of POD-72-
2067 06, subject to standard conditions for developments of this type, added conditions 24 through 30,
2068 and the annotations on the plan.

2069

2070 Mrs. Jones - Second.

2071

2072 Mr. Archer - Motion by Mr. Branin and seconded by Ms. Jones. All in favor say aye.
2073 Those opposed say no. The ayes have it. The motion passes.

2074

2075 The Planning Commission approved POD-72-06, Christ Church Episcopal, subject to the
2076 annotations on the plans, the standard conditions for developments of this type and the following
2077 additional conditions:

2078

2079 24. The right-of-way for widening of Pouncey Tract and North Gayton extended as shown
2080 on approved plans shall be dedicated to the County prior to any occupancy permits being
2081 issued. The right-of-way dedication plat and any other required information shall be
2082 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
2083 occupancy permits.

2084 25. The easements for drainage and utilities as shown on approved plans shall be granted to
2085 the County in a form acceptable to the County Attorney prior to any occupancy permits
2086 being issued. The easement plats and any other required information shall be submitted
2087 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
2088 permits.

2089 26. Outside storage shall not be permitted.

2090 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
2091 form acceptable to the County Attorney prior to final approval of the construction plans.

2092 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
2093 approved by the County Engineer prior to final approval of the construction plans by the
2094 Department of Public Works.

2095

2096 Mr. Silber - Next is a subdivision on page 26 of your agenda.

2097 **SUBDIVISION**

2098

SUB-62-06
Meadow Chase Estates
(December 2006 Plan)
Meadow Road and
Chartwood Drive

Richard L. Baird, Jr., P.E. and Baker Development Resources for Courthouse Acres and Emerald Land Development: The 29.91-acre site proposed for a subdivision of 18, single-family homes is located on the south side of Meadow Road, approximately 400 feet west of Taylor Road on parcel 833-718-6524. The zoning is A-1, Agricultural District. County water and sewer. **(Varina) 18 19 Lots**

2099

2100 Mr. Archer - Is there anyone here who is opposed to this subdivision, SUB-62-06, in
2101 the Varina District? There is no opposition. Good morning, Mr. Strauss.

2102

2103 Mr. Strauss - Good morning, Mr. Chairman, and members of the Commission. Since
2104 the time the agenda was prepared, staff received a revised plan that addresses the concerns of the
2105 Department of Public Works, and those concerns included the need for a right-turn lane on
2106 Meadow Road and a revision to the lot layout to improve the buildable areas to allow for the
2107 rear-yard setback and wetlands. You will see that the revised layout we are handing out this
2108 morning now shows 19 lots. An additional lot was achieved in redesign of the subdivision.
2109 There is also a cul-de-sac shown on the western side of the property, where prior to the revision
2110 there was a stub street and property to the west. Staff has deliberated on the need for the stub
2111 street. The property to the west is currently zoned M-1 and while it may eventually be rezoned
2112 to a residential development, as was the case with property further to the west, staff does not feel
2113 the need that the stub is needed as the adjacent property also has frontage on Meadow Road.
2114 There is one additional concern which staff has not been able to resolve, but we are
2115 recommending an additional condition this morning to handle this issue. The original plan
2116 indicated the presence of a 30-foot wide right of way or access easement along the entire western
2117 property line in this development. The applicant believed at the time that this easement did not
2118 exist. Staff has some compelling evidence that it does, in fact, exist, and, therefore, we are
2119 recommending the additional condition as it appears in your addendum this morning with respect
2120 to providing information on the legal status of this right-of-way and it should be quit claimed if it
2121 does exist. In addition to that, staff is recommending approval of the subdivision with the
2122 revised plan, standard conditions for subdivisions served by Public Utilities, and I will be happy
2123 to answer any questions you may have.

2124

2125 Mr. Archer - All right. Are there any questions from the Commission for Mr. Strauss?

2126

2127 Mr. Jernigan - I just want to clear up one thing. The reason the stub road came out to this
2128 is also that property next door is extremely wet, and it does have road frontage. Mr. Thomas,
2129 who owns the parcel as you see up on the front, owns all of that property all the way to the
2130 railroad track, so when the R-5AC portion of that property that is over on the far left came
2131 around, the developer also looked at doing something with this, but he just determined there
2132 were too many wetlands in there, and by the time you do your setbacks and everything, it is not
2133 enough to do anything with. So, I was all right with the removal of the stub street and the No. 12
2134 condition is taking care of the easement. Thank you.

2135 Mr. Archer - All right. Anybody else? All right, Mr. Jernigan.
2136

2137 Mr. Jernigan - Just that, Mr. Chairman, that I would like to move for approval of
2138 Subdivision 62-06, Meadow Chase Estates, December 2006 Plan, subject to the standard
2139 conditions for subdivisions served by Public Utilities and the additional condition No. 12 added.
2140

2141 Mrs. Jones - Second.
2142

2143 Mr. Archer - Motion by Mr. Jernigan and second by Ms. Jones. All in favor say aye.
2144 All opposed say no. The ayes have it. The motion passes.
2145

2146 The Planning Commission approve Subdivision 62-06, Meadow Chase Estates (December 2006
2147 Plan), subject to the standard conditions for subdivisions served by Public Utilities and the
2148 following additional condition:

2149
2150 12. **ADDED** - The applicant shall determine the legal status and provide evidence to the
2151 Director of Planning regarding the 30-foot-wide right-of-way easement along the western
2152 property line prior to final plan approval. If it is determined that the right-of-way exists,
2153 it shall be quit claimed prior to recordation of the proposed lots abutting the western
2154 property line of the proposed subdivision.

2155

2156 **SUBDIVISION**

2157

SUB-63-06
Wilton Parkway
(December 2006 Plan)

Youngblood, Tyler & Associates, P.C. for WF Hunt LLC, Albert—H Donald H. Jonathan, et. als, and HHHunt Corporation: The 22.44-acre site proposed for a public road is located at its eastern terminus on New Market Road (State Route 5) approximately 350 feet north of Battlefield Park Road, to its western terminus, approximately 1,100 feet west of the intersection of Osborne Turnpike and Mill Road on parcels 802-686-7867 and 9466, 803-686-0426, 0862, 1847, 2025, 2162,4052, 5549, 6854, 7753 and 8950, 805-688-7568, 808-689-1595, 808-690-7572, 809-691-2613 and 809-692-4528. The zoning is A-1, Agricultural District and R-2A, One-Family Residence District. **(Varina) 0 Lot**

2158

2159 Mr. Archer - Is anyone present who objects to Subdivision 63-06, Wilton Parkway?
2160 We have opposition. All right. Mr. Wilhite.

2161

2162 Mr. Wilhite - Thank you, Mr. Chairman. This is a revised subdivision plan for a public
2163 roadway. The original plan was approved back in March 2005. That original plan had a
2164 different alignment. The road that was approved came off Route 5 and swung up closer to the
2165 north. You can see there is actually still a little piece of land reserved for the right of way, and it
2166 came back down. Since that time, the applicant has negotiated with another property owner in
2167 the vicinity and was able to obtain under contract another piece of property to allow the

2168 realignment of this roadway. This essentially just straightens the roadway out, removes it from
2169 an area which had topography problems and wetland concerns. The alignment that is now
2170 shown staff is in support of. Also, the revised plan is now showing the addition of the Capital
2171 Bike Trail, which would run along the north side of the right-of-way line from Route 5 and into
2172 the Wilton development. This is the trail being handled by the State, running from Williamsburg
2173 and Jamestown to the City of Richmond. The applicant is showing an additional 12 foot of
2174 right-of-way dedication that would go to VDOT. As I said before, staff can recommend
2175 approval of this realignment and on your addendum on page 2 is a revised staff recommendation.
2176 Also, the caption has been revised to correct one of the property owner's names which appeared
2177 incorrectly.

2178

2179 Mr. Archer - All right. Any questions of Mr. Wilhite? We do have opposition.

2180

2181 Mr. Jernigan - Mr. Wilhite, we all know how this case first came through with the hump
2182 in there and that was not originally what was planned with this project when the other developers
2183 had it. As you said, on the old road, that goes through a substantial amount of wetlands.

2184

2185 Mr. Wilhite - Yes, and severe topography, too, so there were definitely some
2186 engineering costs associated with going through there and it wasn't the ideal alignment, but it
2187 was what the applicant could propose at that time.

2188

2189 Mr. Jernigan - And on the alignment that we have right now, there is not much flexibility
2190 because of the topo to move that either, is it?

2191

2192 Mr. Wilhite - I would have to defer that to the applicant. There might be a little bit, but
2193 not a great deal.

2194

2195 Mr. Jernigan - OK. That is all I had. Thank you.

2196

2197 Mr. Archer - All right. Anybody else?

2198

2199 Mrs. Jones - I am just happy to see that the Capital Bike Trail is going to be a real
2200 priority through here, and I think that will be wonderful.

2201

2202 Mr. Jernigan - Mr. Chairman, I'd like to hear from the applicant.

2203

2204 Mr. Archer - Would the applicant come forward please? Sir, in observance of the 10-
2205 minute rule, would you need some time for rebuttal?

2206

2207 Mr. Tyler - First off, my name is Webb Tyler, and I am an engineer with Youngblood
2208 Tyler and Associates. I am going to speak for five minutes and literally I need to apologize to
2209 the Commission because then I have to go out to another meeting, however, and continue this
2210 afternoon or morning rather, and continue with the firm, the project manager for the Wilton
2211 Project, as well as Hans Klinger, who is the project manager for HHHunt. This particular
2212 revised tentative is submitted to you for your approval as the result of two years of laborious

2213 efforts to secure interest in what is known as the Jonathan property that has been approximately
2214 30 owners spread out over many, many states. The Jonathan property was actually identified on
2215 a plat right after the Civil War, and by the way, Mr. Silber, I have been here since the Civil War,
2216 and maybe almost as long as Mr. O'Kelly.

2217

2218 Mr. Archer - Do you predate Mr. O'Kelly?

2219

2220 Mr. Tyler - About the same time. As a consequence of that effort of securing those, or
2221 the majority of those 30, there are still some that haven't been found quite yet, property owners.
2222 A petition will be necessary to be filed in the County Courthouse in order to establish a clear title
2223 to the property. The County does not want to accept dedication of a public right of way that does
2224 not have a clear title, i.e. Wilton Parkway, Parkway one word, I believe, Mr. Jernigan. Thank
2225 you. As a result, the difficulties we had with the initial plan, called "The Hump in the Road
2226 Plan" that forced us down next to Cornelius Creek through some severe topography that would
2227 have resulted in many retaining walls in order to build the road into some environmental
2228 conditions. That was the only place that we could acquire right of way. We do not have the
2229 benefit to, of course, condemn the right of way, and so we have to do it through acquisition. At
2230 this point, we have never really wanted to build what is known as "The Hump in the Road" but
2231 rather build a more gentle curve, not a straight road but a more gentle curve, that, as interest, will
2232 not just be enjoyable for the driving experience but also looking out for the bike experience.
2233 This is a four-lane divided roadway with a raised median, landscaped, of course. It goes through
2234 what is known as the Interstate property, which has been acquired by HHHunt or is under
2235 contract to be acquired, I guess is a better way of saying it. It may have already taken place, but
2236 it is unzoned and does represent what will be a future zoning case, at some point in time,
2237 probably after my career, down the road next to the four-lane road. There is a concern from the
2238 Betheas, who are adjacent to the Jonathan property there where it abuts their property by
2239 approximately 60 to 70 feet set off from the edge of their property. We have had some
2240 discussions; Hans Klinger has had some discussions with them and has offered some berming
2241 and landscaping there, which, of course, we are amenable to. We do not believe this is a
2242 material change because it is right at that point where we were curving away from going down
2243 toward the creek and then having to swing back up, and the Bethea home is 800 to 1,000 feet
2244 away from the edge of this proposed roadway. We really have no other alternative. We are
2245 required to build this road as part of the Wilton Project and we have worked tirelessly,
2246 laboriously and expensively in acquiring this particular additional piece of property that has
2247 allowed us to make a better design for the whole area, and I respectfully request that you all
2248 approve this revised tentative. I am going to leave now, but Hans and Ms. Tignor will be able to
2249 answer any questions.

2250

2251 Mr. Archer - All right. Thank you so much, Mr. Tyler.

2252

2253 Mr. Tyler - Good morning. I will get out right now.

2254

2255 Mr. Archer - All right. Does the Commission have questions for Ms. Tignor?

2256

2257 Mr. Jernigan - No, but I see Mr. Jennings is in the audience and probably since this is

2258 your last case, he is here for this. Would you please come to the podium, please?

2259

2260 Mr. Jennings - Good morning. I am Michael Jennings, Traffic Engineer, for Henrico
2261 County.

2262

2263 Mr. Jernigan - Good morning, Mike. How are you doing?

2264

2265 Mr. Jennings - Good morning, Mr. Jernigan.

2266

2267 Mr. Jernigan - I know we have opposition to this, but I thought I'd get you up here first
2268 and we all know what the other design was, and when this came through a zoning case,
2269 originally, this road was supposed to go as it pretty much is seen now, but during the phasing
2270 they found out they didn't have right of ways to certain pieces of property and that is the reason
2271 that the alternative road was shown with the hump in it.

2272

2273 Mr. Jennings - Yes, sir. And the alternative road really didn't meet our design curves
2274 based on the posted speed limits either. That was another issue that they had with that road.

2275

2276 Mr. Jernigan - In your opinion on this, I know that the topo is pretty rough right next to
2277 these people's properties, is there any alignment that can be made on this?

2278

2279 Mr. Jennings - I haven't seen all of the details of the grades out there and stuff, and I
2280 guess Hans Klinger and Ms. Tignor really have the answer to that question, because obviously
2281 the corridor of right of way they have to work with, how much can you move from that corridor,
2282 I don't know the details.

2283

2284 Mr. Jernigan - OK. But as you see this right now from preliminary, you think it is OK?

2285

2286 Mr. Jennings - Yes, sir.

2287

2288 Mr. Archer - All right. Anybody else? Thank you, Mr. Jennings.

2289

2290 Mr. Jernigan - Let me have the applicant up here, please.

2291

2292 Mr. Archer - All right. One or both?

2293

2294 Mr. Jernigan - Hans will do.

2295

2296 Mr. Klinger - I am Hans Klinger with HHHunt. Good morning.

2297

2298 Mr. Jernigan - Hans, seeing where this road comes in relation to these folks' property, is
2299 there much fluctuation that you have?

2300

2301 Mr. Klinger - I think if there is any tweaking to be done, it is in terms of feet and not in
2302 tens or hundreds of feet. The alignment in there is very tight. We are trying to squeeze in these

2303 two points and these two points, and the right of way that we have permission to build on, so to
2304 get the road to curve in here; there is only so much you can thread through there. I think Ann
2305 Tignor might be able to speak to what the curve radius is we used from here. A lot of the curves
2306 are at minimum radius.

2307

2308 Mr. Jernigan - So if we moved anything, it would be the matter of a few feet and not
2309 substantial.

2310

2311 Mr. Klinger - Yes, no material change. Now, there is the tightest point is probably right
2312 in this area. There is a little more space in here, but there is probably 25 to 30 feet in there.
2313 There is a creek that runs right through here, as well, so berming right there would be difficult,
2314 but the remaining area in here; we could do some berming to help mitigate the effects of the
2315 roadway on that portion.

2316

2317 Mrs. Jones - May I ask a question, sir?

2318

2319 Mr. Archer - Certainly.

2320

2321 Mrs. Jones - If this road is built as this, what would be the speed...a four-lane road
2322 would be 45?

2323

2324 Mr. Klinger - The design speed is at least 55 and you post it as 45.

2325

2326 Mrs. Jones - And if the right of way were not such a tight issue, would you prefer a
2327 different realignment or this works for the development as well?

2328

2329 Mr. Klinger - This works for development. This is one of two-lane points of access into
2330 the main Wilton Development, so there are a large number of cars through here.

2331

2332 Mrs. Jones - So you want a curved road. You want something that has some interest
2333 and lower speeds like this. Correct? You would not want it to be any straighter really?

2334

2335 Mr. Klinger - No. We are working within the confines of the property that we have
2336 under control right now and that fixates the alignment.

2337

2338 Mrs. Jones - I guess my point is that as a road through a residential area, you don't
2339 want to build great highways anymore. This works probably well for the purpose and it is being
2340 dictated by the restraints where you have the ability to build. Just a comment.

2341

2342 Mr. Archer - I think since we have opposition, we may either be asking or not asking
2343 questions that they might have, and we might not be duplicating our efforts here. So, would the
2344 opposition please come forward and state your name for the record, please. Good morning.

2345

2346 Mr. Bethea - My name is Cleave Bethea and we have lived out in that area for a long,
2347 long time. We initially had 140 acres that was given to us for hunting, fishing and farming

2348 before the Civil War. My ancestors had it sold and Fort Gilmer on that side, and we gave the
2349 government 30 acres to set up their development and what have you. We were never notified,
2350 never ever notified about this project until the end of November we were notified, and we got
2351 that from the Corps of Engineers. HHHunt and none of these other organizations that were
2352 involved in this ever notified us, so I have been speaking to Mr. Klinger for about the last two
2353 weeks. He came out and he discussed what was going on. He showed me the first map with the
2354 arch in it and then he showed me the new map which cut off, which comes right around that
2355 upper left corner there, and our ancestors are buried back there. I have people that died years
2356 ago that are buried back there. There is a Civil War monument and what have you and tribute to
2357 the Civil War that is back there, and they plan on digging it up, moving a lot of stuff out of the
2358 way, and putting in a full main highway. After 47 years of my wife and I being married, we just
2359 got our first grandkids five years ago, and I initially got this property because I was always
2360 trained and taught that we'd never sell our land. Now my grandson, we had planned on him
2361 playing back there and what have you next to that parkway, and now I am scared. I am scared.
2362 We also bow hunt deer back there. What is going to happen if I am on my 11-1/2 acres and I am
2363 shooting back there? Is that out and I can't go back there and shoot on our land? So, those are
2364 just some of my concerns. First, there is a fresh water spring back there. My grandmother used
2365 to take us down to it when I was a little boy, so my Daddy could get water to take back to New
2366 York. He loved Virginia spring water. I see that that might be impacted because they've got
2367 two sediment stations scheduled for that area. It doesn't show on that map, but it looks like
2368 everything is being dumped on us. Everything is being dumped, and I don't know why our
2369 corner was chosen. I have some thoughts why we were chosen like that for that road to come
2370 out. We spoke about coming straight out on Mill. I was sort of made to feel like that didn't want
2371 to interrupt the people on Mill Road. I thought about Osborne, that they could make a left and
2372 they would come into U. S. Route 5. It merges. If they could do that, or if they could come up
2373 to the blue line and sort of come across and give us some space on that corner where our springs
2374 run. I'd like to just pass this on to the individuals who I can and then I am going to let my wife
2375 speak. OK. Those are just some of the things that I have been involved in in my lifetime. And
2376 the last one left me very, very shaken, so I don't deal very well with a crowd of 16 or 20,000
2377 people all of a sudden heading towards the back of our yard going 55 miles an hour.

2378

2379 Mr. Silber - Can I ask, what is your access to your property?

2380

2381 Mr. Bethea - Right now I have a road off of Battlefield Park. It runs in between my two
2382 nephews' house. Everything on that white line, around that curve, belongs to four of my family
2383 that still live there, so I just wish that we could have some more land away from our property and
2384 that area could be respected, because I suspect houses are going to come back once that road is
2385 put in. Where that hand is, I can see an opening in there and homes being put up. I would like to
2386 let my wife speak.

2387

2388 Mr. Archer - Fine. Thank you, sir. We have about five minutes left, ma'am.

2389

2390 Mrs. Bethea - I am Earline Bethea and our concerns are that you have this four-lane
2391 highway. It is not a country road. Battlefield Park Road is a country road, which is conducive to
2392 that area and I don't see why the necessity for this road to connect with Route 5 at that point

2393 because just a little bit further down Route 5 are two things. One, there is an intersection there
2394 with Laburnum Avenue where there is property currently for sale. Further on down Route 5,
2395 Osborne intersects with Route 5 and, again, that is not a four-lane super highway. If this is going
2396 to be a development, then it should have a country feel. Battlefield Park is a huge park. The
2397 battles that took place out there were extremely bloody battles and we must retain that serenity.
2398 As a matter of fact, they moved one of the cannons off the Battlefield Park Road and they are
2399 supposed to bring it back, and we haven't heard anything yet, but, you know, on these tanks that
2400 my husband referred to, they are sediment tanks and they are much of the original tank was not
2401 where its current plan was. It was further away from our property. These tanks are now
2402 practically sitting right off of our property line, and we just feel that that is just the wrong
2403 approach for the Wilton Farms Development. It just seems to me that they could come up with a
2404 better plan. We didn't know anything about this other plan. Didn't know a thing, and our
2405 property line is right there. That is going to devalue us tremendously. I certainly would not
2406 want to buy a house, even if our property was developed, for that purpose, right along side a
2407 four-lane 55 mph highway.

2408

2409 Mr. Bethea - Excuse me. I have one other concern which is if they have an accident on
2410 this new parkway going through, we are going to be impacted on the Battlefield Park Road. It is
2411 going to look like a car parade coming on Battlefield Park Road. That road is always 25 mph. It
2412 has always been known to the people in the area, people surrounding the area to walk their kids
2413 through to review the battlefield site, Fort Gilmer, and to exercise out to Route 5 and come back
2414 in a safe manner. When you have got 16 to 20,000 people that are going to be back over Wilton
2415 Parkway, if they have an accident on that parkway and they have to take Battlefield Park, it is
2416 not nice, and it won't work with people doing just 25 mph down and they are trying to get home.
2417 They are trying to get out to Ross Run. There is only 350 feet away from a brand new four-lane
2418 parkway that is going in, so my concern is that it is much closer than that diagram in real life.
2419 They have space on that corner. So, on these maps, they are right off of our land, and like I said,
2420 there is water running underneath. There are fresh water springs there, and I have got concerns
2421 because I was messed up in law enforcement. I tracked what they called the domestic terrorist.
2422 That was my job. We got them all as far as this group that I worked on. I worked on bank
2423 robberies. That is how they financed their escapades and what have you, and they were
2424 responsible for killing a lot of police officers, robbed a lot of federal banks from New York to
2425 California, Georgia, Alabama, Detroit and Chicago, so that is why I have my little spring here.
2426 Believe me, I just wish, if it has to go through, a multi-million dollar entity here, and if it has to
2427 go through, I am just asking for space to go back to north of us and on the side of us. That is all.
2428 It looks like a bridge can do all of that.

2429

2430 Mr. Archer - Thank you, sir. Your time is up. Could you just point out for us on that
2431 map exactly where your residence is?

2432

2433 Mrs. Bethea - We are right there where my hand is. This is our parcel. And we...

2434

2435 Mr. Bethea - That is our concern. That is running right on the line, but there is a spring
2436 that runs on the line...

2437

2438 Mrs. Bethea - And the tanks are going to be there.
2439

2440 Mr. Bethea - The sediment tanks are going to be there. I don't know why we were
2441 chosen to take the brunt, take the hit here, but any...it is much closer, that road is going to run
2442 much closer to that left corner. The sediment tanks are going to be there, and you've got running
2443 water underneath that bridge when it is constructed.
2444

2445 Mrs. Bethea - And finally, I don't see the necessity for a four-lane highway through a
2446 residential neighborhood. That is a bit much. We have that out on 895, and we could have
2447 connected with 895 from around Laburnum that way. Now to come all the way through
2448 Battlefield Park doesn't even make sense when you have all of those, when you have Laburnum
2449 Avenue.
2450

2451 Mr. Jernigan - Mrs. Bethea, did you all come to any of the neighborhood meetings we
2452 had on the zoning case?
2453

2454 Mr. Bethea - We were never notified, sir.
2455

2456 Mr. Jernigan - We had roughly 150 people there, people from all over the area, plus
2457 notification. It was in the newspaper and even articles on it. And I understand what you are
2458 saying on this, but in the proffers of the zoning case for Wilton, this road has to be built. This
2459 road has to be built...
2460

2461 Mr. Bethea - I have no problem with the road being built, I am just asking for a little
2462 space on that left-hand corner and for those sediment tanks to be put some place else, because
2463 we've got fresh water running underneath here.
2464

2465 Mr. Jernigan - And that is the reason I had the applicant and Mr. Jennings up here,
2466 because if I could, I would like to give you some more space over there, but with the topography
2467 of it and the wetlands, I am not sure that that is possible. That is the reason that I spoke to Mr.
2468 Tyler earlier, that he is willing to offer to put some berms up there, whatever he can do to try to
2469 eliminate the impact of traffic. The berm, he could put up a six-foot berm or whatever, some
2470 plantings that give you some protection there, and they are willing to do that. But this road has
2471 to go through. It has to be four-lanes and it has to go to Route 5, and we couldn't put all of that
2472 traffic onto Osborne and run it up to where it is...
2473

2474 Mrs. Bethea - But coming on to Route 5 even during rush hour, Route 5 right now..
2475

2476 Mr. Jernigan - Is pretty hectic.
2477

2478 Mrs. Bethea - And what are you going to do. You are going to put 3,000 units in one
2479 spot, 35 in another, and all of those units are going to have more than one person in them, and
2480 Route 5 is only two lanes.
2481

2482 Mr. Jernigan - You are right, ma'am, and part of the future plan is for Route 5 to be four

2483 lanes, and this is one of the things that is a contributing factor to that, that VDOT and the State
2484 legislature had to look at traffic, and they have to get it to the point where everybody can move.
2485 One question that I did have when you started, you said there are graves right under here?

2486

2487 Mr. Bethea - Yes. That property on my land has graves.

2488

2489 Mr. Jernigan - On your land, but there are no graves on the property they plan on putting
2490 the road through.

2491

2492 Mr. Bethea - I suspect there is. We have been out there a long time. Varina was given
2493 to Pocahontas when she married.

2494

2495 Mr. Jernigan - OK, but what I am asking you, in respect to the graves when you first
2496 started, you were talking about on your property, not on the other property?

2497

2498 Mr. Bethea - It probably is there. We went all the way down to the creek. We own all
2499 the way down to that creek. We were given land rights to hunt and farm, plus there were many
2500 balls and pieces of cannon back there, because that is where those colored troops attacked. They
2501 came through those trenches on that curve there and they were chopped up.

2502

2503 Mr. Jernigan - All right. I am going to try to do what I can to help you along with some
2504 of the buffering and all, but as far as the road going in, it has to go, and we don't have, and also,
2505 on the easements they have, they have very little flexibility. As they said, it is in feet, not tens of
2506 feet. But, I am willing to meet with the developer and I am going to have them meet with you
2507 and try to mitigate what you can as far as getting some plantings and some berming along there.
2508 I appreciate you all coming out.

2509

2510 Mr. Bethea - All right. Thank you very much.

2511

2512 Mr. Jernigan - I just want you to make contact with these folks and work with them and
2513 see what you can do on the berming and plantings for them, and get back to me and let me know
2514 what you all can do.

2515

2516 Mr. Klinger - We certainly will. If something, as plan of development happens, we will
2517 see what we can do in there. The topography, as you said, is a little steep in there, and we will
2518 do as much as we can to help buffer them. I want to speak, just for a second, talking about the
2519 graves and so forth. We are under a permit process now with the Corps of Engineers. It has
2520 been published notice, and that is where they got their notice from this. It wasn't from the
2521 subdivision of the Planning Commission hearing. As part of that Corp of Engineers permit
2522 process, we are under Section 106, I believe, that handles culture resources. This is actually
2523 being studied with the majority part of Wilton on the James development. We have had a
2524 cultural resource study done through this corridor alignment and had it originally done on the
2525 hump alignment as well as through here. They haven't found a whole lot – three mini balls, I
2526 think is what they found – through a metal detector course through the corridor alignment.
2527 There was no indication of graves, but that doesn't mean we won't come across something, but

2528 you don't know where the grave is unless you can positively identify it and unless you dig up
2529 every inch of dirt out there, but in the cases they have now, there is no grave there. There is a
2530 house site that touches a portion of this that we will have to deal with, but it is missing it mostly.
2531 So the Virginia Department of Historical Resources has the report now and is reviewing it. I
2532 told Mr. Bethea that once that report has been reviewed by them and OK'd by them, I would
2533 give them the report, so that they can review, and take a look at that, as well.

2534

2535 Mr. Jernigan - Also, let's clear up on the sediment tanks. They are normally sediment
2536 ponds.

2537

2538 Mr. Klinger - Yes, they are sediment traps and those are shown on the conceptual plan
2539 in here, and here is the creek that runs down through here. You need to put those on the down
2540 stream side where the water flows to, before they enter the stream. Those are just temporary
2541 features. It is our hope that this road will be put on the Major Thoroughfare Plan and we will not
2542 need BMPs.

2543

2544 Mr. Jernigan - So they are temporary. OK. All right. Thank you.

2545

2546 Mr. Silber - Would it be possible for us to get a copy of the Cultural Resource Report?

2547

2548 Mr. Klinger - Yes. It is being submitted. We are submitting them to the Recreation and
2549 Parks Department, but I can supply one to the Planning Commission as well.

2550

2551 Mr. Silber - Thank you.

2552

2553 Mr. Archer - Thank you, sir. Mr. Jernigan.

2554

2555 Mr. Jernigan - There is just a change on the sheet that shows 63-03. It should be 63-06,
2556 and with that, I will move for approval of Subdivision 63-06, Wilton Parkway (December 2006
2557 Plan), with the standard conditions for subdivisions served by public utilities and the following
2558 additional conditions Nos. 12, 13, 14 and staff's recommendation on the addendum.

2559

2560 Mrs. Jones - Second.

2561

2562 Mr. Archer - Motion by Mr. Jernigan and seconded by Mrs. Jones. All in favor say aye.
2563 All opposed say no. The ayes have it. The motion is approved.

2564

2565 The Planning Commission granted conditional approval for subdivision SUB-63-06, Wilton
2566 Parkway (December 2006 Plan), subject to the standard conditions for subdivisions served by
2567 public utilities, and the following additional conditions:

2568

2569 12. The developer shall construct right turn lanes in accordance with Henrico County
2570 standards on Wilton Parkway at the intersection with Osborne Turnpike.

2571 13. The developer shall construct left turn lanes in accordance with Henrico County
2572 standards on Osborne Turnpike at the intersection with Wilton Parkway.

2573 14. The developer shall install left and right turn lanes in accordance with VDOT standards
2574 on New Market Road (State Route 5) at the intersection with Wilton Parkway.

2575 Mr. Silber - Next on the agenda, on the last page of your agenda, page 33, is a
2576 discussion item.

2577

2578 **DISCUSSION ITEM:** Request from the Planning Commission to Direct Staff to Prepare a
2579 Study for Consideration by the Commission, Evaluating the Current Zoning Regulations as they
2580 Relate to Farmers' Markets.

2581

2582 Mr. Silber - This is a resolution that would initiate a study to evaluate the Zoning
2583 Regulations Related to Farmers' Markets. A little bit of background, the current code has a use
2584 called commercial outdoor flea market, as the closest use to a farmers' market. There is a
2585 farmers' market that has been talked about and someone is interested in doing a farmers' market
2586 in the Lakeside area, and there is now a request for a study to look at our zoning regulations to
2587 see if this shouldn't be more closely defined to a real farmers' market, and then look at the
2588 zoning classification for which this should be permitted. A commercial flea market, outdoor flea
2589 market, is first permitted in the B-3 Business District with a Provisional Use Permit. So, we
2590 would be taking a look at this if the Planning Commission initiates this study, we would take a
2591 look at the Zoning Ordinance and see if there isn't some other place that we should be regulating
2592 farmers' markets and bring the report back to you, and after a work session or two, we would set
2593 a public hearing with the Planning Commission.

2594

2595 Mr. Jernigan - You would have to sell food.

2596

2597 Mr. Silber - I am not sure what you mean by that.

2598

2599 Mr. Jernigan - Farmers' market.

2600

2601 Mr. Silber - You mean it is different from a flea market?

2602

2603 Mr. Jernigan - I am not trying to be funny, but I am saying, too, if it is a farmers' market,
2604 it is all vegetables and all that, and you can't sell...

2605

2606 Mrs. Jones - Not necessarily. It could be floral things.

2607

2608 Mr. Branin - Agricultural.

2609

2610 Mr. Jernigan - That would be a good word. Agricultural.

2611

2612 Mr. Silber - I guess the question is, should it be permitted in some other district
2613 besides B-3 with a PUP or are they closely related to an outdoor flea market and should they
2614 remain a B-3 with a PUP?

2615

2616 Mr. Archer - Mr. Silber, so what we are doing here is if we don't define the
2617 terminology in one of the other zoning classifications to fit this, would we create something to

2618 do it, or would we add something to another zoning class?

2619

2620 Mr. Silber - We would define a farmers' market and then determine what classification
2621 that it should go into.

2622

2623 Mr. Archer - It wouldn't be feasible to establish a broader classification and put
2624 farmers' market in it.

2625

2626 Mr. Silber - Well, that is entirely possible.

2627

2628 Mr. Jernigan - Well, if you get a PUP now for a farmers' market, then you are selling
2629 vegetables or whatever, plus it opens up to everything else.

2630

2631 Mr. Archer - Well, I guess that is what we will have to define.

2632

2633 Mr. Jernigan - That is what it does now. That is the reason we are trying to separate
2634 them.

2635

2636 Mr. Silber - I think the real issue is that some believe that if you want to have a
2637 farmers' market that it shouldn't be as demanding to have B-3 zoning and a use permit. It should
2638 be allowed in a less intense zoning classification. We are currently interpreting farmers' market
2639 to fall into the category of a flea market, and some say no, this is not a flea market. It is not as
2640 intense as a flea market. It should be allowed in something less, perhaps a B-2 District with a
2641 use permit, or maybe a straight B-2. Quite frankly, staff has some concerns about opening this
2642 can of worms too much because the farmers' market can also be a fairly intense use. It is all
2643 outdoors, depending on how it is operated. It can be unsightly. It can have some issues dealing
2644 with being not a very clean place, so you don't want these to be permitted all over the place, but
2645 there is a request to have one of these in the Lakeside area, and the thought is that perhaps B-3
2646 with a use permit is excessive.

2647

2648 Mr. Archer - Well, we need to go forward with this. Then, I move that we pass the
2649 resolution amendment.

2650

2651 Mr. Branin - Second.

2652

2653 Mr. Archer - Motion by Archer and seconded by Mr. Branin to move forward with the
2654 Planning Commission's resolution. All in favor of the motion say aye. All opposed say no. The
2655 ayes have it. The motion passes.

2656

2657 **APPROVAL OF MINUTES: November 15, 2006 Minutes**

2658

2659 Mr. Silber - The final item is approval of the minutes of the November 15, 2006
2660 Commission meeting.

2661

2662 Mr. Branin - I have two. Page 20, line 719.

2663
2664 Mr. Archer - Page 20, line 719, and it should read...
2665 Mr. Branin - "I think it is the right building if it was an airport or a **school**, not a **pool**."
2666 And page 24, line 882, that they haven't seen **it**. It should be "**this**".
2667
2668 Mr. Archer - All right. Any further corrections?
2669
2670 Mrs. Jones - Page 21, line 738. The last half of that should read "There is a TV station
2671 there and art deco."
2672
2673 Mr. Archer - All right, anything else to change in the minutes? If not...
2674
2675 Mr. Branin - I would like to move for approval of the minutes.
2676
2677 Mr. Jernigan - Second.
2678
2679 Mr. Archer - Motion made by Mr. Branin and seconded by Mr. Jernigan. All in
2680 approval of the minutes say aye. The minutes are approved. Anything else, Mr. Secretary?
2681
2682 Mr. Silber - That does it.
2683
2684 Mr. Archer - All right. We are adjourned at 12:16 p.m.
2685
2686 On a motion by Mr. Branin and seconded by Mr. Jernigan, the Planning Commission adjourned
2687 its December 13, 2006 meeting at 10:11 a.m.
2688
2689
2690
2691 _____
2692 C. W. Archer, C.P.C., Chairman
2693
2694
2695
2696 _____
2697 Randall R. Silber, Secretary
2698
2699