

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia,
2 held in the Board Room of the County Administration Building in the Government Center at Parham and
3 Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, February 22, 2006.

4

5 Members Present: Mr. C. W. Archer, C.P.C., Vice Chairperson (Fairfield)
6 Mr. Tommy Branin (Three Chopt)
7 Mrs. Bonnie-Leigh Jones (Tuckahoe)
8 Mr. E. Ray Jernigan, C.P.C. (Varina)
9 Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)
10 Mr. David A. Kaechele (Three Chopt) Board of Supervisors
11 Representative
12 Mr. Randall R. Silber, Director of Planning, Secretary

13

14 Others Present: Mr. David D. O'Kelly, Jr., Assistant Director of Planning
15 Mr. James P. Strauss, CLA, County Planner
16 Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
17 Mr. E. J. (Ted) McGarry, III, County Planner
18 Mr. Michael F. Kennedy, County Planner
19 Ms. Christina L. Goggin, AICP, County Planner
20 Mr. Tony Greulich, County Planner
21 Ms. Natalie Neaves, County Planner
22 Mr. Lee Tyson, County Planner
23 Mr. Michael Jennings, Assistant Traffic Engineer
24 Ms. Diana B. Carver, Recording Secretary

25

26 Staff Absent: Ms. Leslie A. News, CLA, Principal Planner

27

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

30

31 Mr. Archer - Good morning everyone. Welcome to the February 22, 2006, Planning
32 Commission meeting. Mr. Silber, we will turn it over to you, Sir.

33

34 Mr. Silber - Thank you, Mr. Chairman. First on the agenda this morning will be the request
35 for deferrals and withdrawals. I'm not aware that we have any. Mr. Wilhite.

36

37 Mr. Wilhite - At this point, staff has not received any formal request for withdrawals or
38 deferrals.

39

40 Mr. Jernigan - Mr. Wilhite, I do have two. On page 12, POD-6-06, LaQuinta Inn & Suites.

41 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

42

POD-6-06
LaQuinta Inn & Suites and
Durango Restaurant –
Norman Road

Engineering Design Associates for Airport Road LLC and Win-Par Hospitality, LLLP: Request for approval of a plan of development and special exception for height, as required by Chapter 24, Sections 24-2, 24-59(1) and 24-106 of the Henrico County Code, to construct a 91-room, three-story, hotel and a 9,600 square foot restaurant. The 7.587-acre site is located on the north side of Norman Road, abutting the west side of S. Airport Drive, on part of parcel 819-710-8950. The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina)**

43

44 Mr. Jernigan - I would like to defer this case for two weeks, March 9.

45

46 Mr. Archer - Is there any opposition to the deferral to POD-6-06, LaQuinta Inn & Suites and
47 Durango Restaurant, in the Varina District? No opposition.

48

49 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of POD-6-06, LaQuinta Inn &
50 Suites and Durango Restaurant, to March 9, 2006, by request of the Commission.

51

52 Mr. Vanarsdall - Second.

53

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

56

57 The Planning Commission deferred POD-6-06, LaQuinta Inn & Suites and Durango Restaurant to its
58 meeting on March 9, 2006.

59

60 Mr. Jernigan - And also on page 19, subdivision North James Estates (February 2006 Plan).

61

62 **SUBDIVISION**

63

North James Estates
(February 2006 Plan)
Midview and New Market
Roads

Balzer & Associates, P.C. for Margaret Moore c/o Carl L. Moore, Anirav Swim Club and Hamlin Homes: The 22.42-acre site proposed for a subdivision of 49 single-family homes is located on the northeast corner of New Market Road (State Route 5) and Midview Road on parcel 803-702-3640 and part of 804-702-0772. The zoning is R-3, One-Family Residence District. County water and sewer. **(Varina) 49 Lots**

64

65 Mr. Archer - Is there any opposition to the deferral to subdivision North James Estates
66 (February 2006 Plan), in the Varina District? No opposition.

67

68 Mr. Jernigan - With that, Mr. Chairman, I will move for deferral of subdivision North James
69 Estates (February 2006 Plan) to the March 22, 2006, meeting, by request of the Commission.

70

71 Mr. Vanarsdall - Second.

72

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

75

76 The Planning Commission deferred subdivision North James Estates (February 2006 Plan) to its meeting
77 on March 22, 2006.

78

79 Mr. Silber - Are there any other deferrals by the Planning Commission? All right. Moving
80 on farther on the agenda would be expedited items. These are plans that have been reviewed by staff and
81 there are no outstanding issues from the Planning administrative perspective. The applicant is
82 comfortable with all of the conditions that have been placed on the plans and annotations on the plans.
83 The Commissioner from the district is comfortable with the plan as submitted. If there is any opposition
84 to any of these on the Expedited Agenda, they will be pulled off and heard in the order it is found on the
85 full agenda. Otherwise, it is placed on the Expedited Agenda to be heard with limited discussion. We
86 have seven items on the Expedited Agenda. Mr. Wilhite.

87

88 Mr. Wilhite - Good morning, Mr. Chairman and Commission members, ladies and gentlemen.
89 There are seven requests for approval on the Expedited Agenda this morning. The first one appears on
90 page 4 of your agenda, transfer of approval POD-87-04, Hunton Station, located in the Brookland
91 District. Staff recommends approval.

92

93 **TRANSFER OF APPROVAL**

94

POD-87-04
Hunton Station –
11837 Mill Road

Rogers-Chenault, Inc.: Request for transfer of approval as required
by Chapter 24, Section 24-106 of the Henrico County Code from
Eagle Construction of Virginia, LLC to Rogers-Chenault, Inc. The
8.974-acre site is located at 11837 Mill Road, on the south side of Mill
Road, approximately 600 feet west of Old Washington Highway, on
parcels 771-774-2195 and 3745. The zoning is R-5AC, General
Residence District (Conditional). County water and sewer.
(Brookland)

95

96 Mr. Archer - Is there anyone in the audience in opposition to the approval of this transfer,
97 POD-87-04, Hunton Station in the Brookland District? No opposition. Mr. Vanarsdall.

98

99 Mr. Vanarsdall - Mr. Chairman, I move POD-87-04, Hunton Station, be approved on the
100 Expedited Agenda.

101

102 Mr. Jernigan - Second.

103

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

106

107 The Planning Commission approved the transfer of approval request for POD-87-04, Hunton Station,
108 11837 Mill Road, from Eagle Construction of Virginia, LLC to Rogers-Chenault, Inc. and the new owner
109 accepts and agrees to be responsible for continued compliance with the conditions of the original
110 approval.

143 Mrs. Jones - I move approval of LP/POD-5-05, Grayson Hill, Phase 1, Section 1, subject to
144 the annotations on the plans and the standard conditions for landscape plans on the Expedited Agenda.

145

146 Mr. Vanarsdall - Second.

147

148 Mr. Archer - The motion was made by Mrs. Jones and seconded by Mr. Vanarsdall. All in
149 favor say aye...all opposed say nay. The motion passes.

150

151 The Planning Commission approved the landscape plan request for LP/POD-5-05, Grayson Hill, Section
152 1, Phase 1, subject to the standard conditions attached to these minutes for landscape plans, and the
153 annotations on the plans.

154

155 Mr. Wilhite - On page 15 of your agenda, Brooks B. E., Section 2 (February 2006 Plan)
156 located in the Varina District.

157

158 **SUBDIVISION**

159

Brooks B.E., Section 2
(February 2006 Plan)
200 Brooks Road

Engineering Design Associates for Frank and Patricia Camporeale and Superior Structures & Properties, Inc.: The 1.94-acre site proposed for a resubdivision of Lots 1 and 2 of Brooks B.E., Section 1, into 3 single-family homes is located on the west side of Brooks Road, approximately 475 feet north of Yates Lane, on parcel 816-725-6500. The zoning is R-2A, One-Family Residence District. County water and sewer. **(Varina) 3 Lots**

160

161 Mr. Archer - Is there anyone in the audience in opposition to subdivision Brooks B.E., Section
162 2 (February 2006 Plan)? No opposition. Mr. Jernigan.

163

164 Mr. Jernigan - Mr. Chairman, with that I will move for subdivision approval for Brooks B.E.,
165 Section 2 (February 2006 Plan) subject to the annotations on the plans, the standard conditions for
166 subdivisions served by public utilities, and the following additional conditions Nos. 12, 13, 14 and 15, on
167 the Expedited Agenda.

168

169 Mr. Vanarsdall - Second.

170

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

173

174 The Planning Commission granted conditional approval to subdivision Brooks B.E., Section 2 (February
175 2006 Plan) subject to the standard conditions attached to these minutes for subdivisions served by public
176 utilities, the annotations on the plans and the following additional conditions:

177

178 12. Each lot shall contain at least 13,500 square feet, exclusive of the flood plain areas.

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

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

184 15. Any future building lot containing a BMP, sediment basin or trap and located within the buildable
185 area for a principal structure or accessory structure, may be developed with engineered fill. All
186 material shall be deposited and compacted in accordance with the Virginia Uniform Statewide
187 Building Code and geotechnical guidelines established by a professional engineer. A detailed
188 engineering report shall be submitted for the review and approval by the Building Official prior to
189 the issuance of a building permit on the affected lot. A copy of the report and recommendations
190 shall be furnished to the Directors of Planning and Public Works.

191
192 Mr. Wilhite - Next on page 18, Dylan's Place (February 2006 Plan). This is located in the
193 Fairfield District.

194

195 **SUBDIVISION**

196

Dylan's Place
(February 2006 Plan)
Biloxi Road

Balzer & Associates, P.C. for Home & Property Solutions, LLC:
The 1.0-acre site proposed for a subdivision of 3 single-family homes is located on the southwest side of Biloxi Road, approximately 880 feet from the west line of Bayard Road, on parcel 813-727-8406. The zoning is R-2AC, One-Family Residence District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer.
(Fairfield) 3 Lots

197

198 Mr. Archer - Is there anyone in the audience in opposition to subdivision Dylan's Place
199 (February 2006 Plan)? No opposition. And with that, I will move approval of subdivision Dylan's Place
200 subject to the additional annotations on the plans, the standard conditions for subdivisions served by
201 public utilities, and additional conditions Nos. 12 and 13.

202

203 Mr. Vanarsdall - Second.

204

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

207

208 The Planning Commission granted conditional approval to subdivision Dylan's Place (February 2006
209 Plan) subject to the standard conditions attached to these minutes for subdivisions served by public
210 utilities, the annotations on the plans and the following additional conditions:

211

212 12. The proffers approved as part of zoning case C-83C-05 shall be incorporated in this approval.

213 13. The existing well which would be abandoned shall follow the procedures of the Virginia
214 Department of Health regulations for well abandonment.

215

216 Mr. Vanarsdall - Mr. Chairman, the reason I was very glad to second that was because I had it on
217 here as being in the Brookland District. I checked on it, but I was glad to find out that it was yours.

218

219 Mr. Archer - Well, I would have handled it for you.

220

221 Mr. Vanarsdall - I went over to the street and looked at it. If I had known it was yours I would have
222 called you and told you that I have already done your homework for you.

223

224 Mr. Archer - Thank you. We did it twice.

225

226 Mr. Vanarsdall - So, now you owe me one.

227

228 Mr. Archer - I knew there was a catch phrase in there. Thank you, Mr. Vanarsdall. Next.

229

230 Mr. Wilhite - The next item is on page 21. This is Willow Chase (February 2006 Plan) and is located in the Brookland District.

232

233 **SUBDIVISION**

234

Willow Chase
(February 2006 Plan)
Linbrook Road

Balzer & Associates, P.C. for Palladian Homes, LLC: The 1.379-acre site proposed for a subdivision of 3 single-family homes is located at the southern terminus of Linbrook Drive on parcels 777-748-9655 and 0142. The zoning is R-4, One-Family Residence District. County water and sewer. **(Brookland) 3 Lots**

235

236 Mr. Archer - Is there anyone in the audience in opposition to subdivision Willow Chase (February 2006 Plan)? No opposition. Mr. Vanarsdall.

238

239 Mr. Vanarsdall - I move that Willow Chase be approved on the Expedited Agenda subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities, and the following conditions. Nos. 12 and 13.

242

243 Mr. Jernigan - Second.

244

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

247

248 The Planning Commission granted conditional approval to subdivision Willow Chase (February 2006 Plan) subject to the standard conditions attached to these minutes for subdivisions served by public utilities, the annotations on the plans and the following additional conditions:

251

252 12. Each lot shall contain at least 8,000 square feet.

253 13. Any future building lot containing a BMP, sediment basin or trap and located within the buildable area for a principal structure or accessory structure, may be developed with engineered fill. All material shall be deposited and compacted in accordance with the Virginia Uniform Statewide Building Code and geotechnical guidelines established by a professional engineer. A detailed engineering report shall be submitted for the review and approval by the Building Official prior to the issuance of a building permit on the affected lot. A copy of the report and recommendations shall be furnished to the Directors of Planning and Public Works.

260

261 Mr. Wilhite - The final item on the Expedited Agenda appears on page 28. This is a revised POD, POD-71-02 Tom Leonard's @ Brookhollow in the Three Chopt District. On page 4 of your addendum there is a revised staff recommendation for approval and added condition that the tent currently located in the seasonal sales area will be removed by January 31, 2007.

265 **PLAN OF DEVELOPMENT**

266

POD-71-02 (Revised)

Tom Leonard's @ Brookhollow
– Brookriver Drive

Timmons Group for G3 Investment, LLC and Thomas P. Leonard: Request for approval of a revised plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to locate a tent in the seasonal sales area of an existing grocery store. The 6.29-acre site is located along the north line of Brookriver Drive and the south line of Interstate 64, approximately 650 feet north of W. Broad Street (U.S. Route 250), on parcel 743-762-6518. The zoning is M-1C, Light Industrial District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

267

268 Mr. Archer - All right. Is there anyone in the audience in opposition to POD-71-02, Tom
269 Leonard's @ Brookhollow, revised, in the Three Chopt District? No opposition. Mr. Branin.

270

271 Mr. Branin - Mr. Chairman, I would like to move for approval of POD-71-02, Tom Leonard's
272 @ Brookhollow, on the Expedited Agenda, per the staff's recommendations and the addendum including
273 condition No. 34 stating that the structure will be permitted as a temporary structure until January 31,
274 2007.

275

276 Mr. Vanarsdall - Second.

277

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

280

281 The Planning Commission approved POD-71-02, Tom Leonard's @ Brookhollow, revised, subject to the
282 standard conditions attached to these minutes for developments of this type, the annotations on the plans
283 and the following additional condition:

284

285 34. The tent, currently located in the seasonal sales area as shown on the revised plan, shall be
286 removed from the site no later than January 31, 2007.

287

288 Mr. Silber - That completes the Expedited Agenda. Next on your agenda would be the
289 subdivision extensions of conditional approval. These are subdivisions that have been approved by the
290 Planning Commission. They do have conditional approval. They are up for extension and all of these on
291 the agenda this morning can be approved administratively. It does not require any action by the Planning
292 Commission, so we list them for informational purposes only. There are seven subdivisions for
293 conditional extension. Staff is here to answer any questions that the Commission may have.

294 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

295

296 **FOR INFORMATIONAL PURPOSES ONLY**

297

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended Recommended
Castleton (February 2005 Plan)	Varina	494	494	0	1 Year 2/28/07
Forest Parke (February 2005 Plan)	Tuckahoe	9	9	0	1 Year 2/28/07
Kain's Quarter (February 2005 Plan)	Three Chopt	6	6	0	1 Year 2/28/07
Stonehurst (February 2004 Plan)	Three Chopt	21	21	1	1 Year 2/28/07
Stony Run Estates (February 2003 Plan)	Varina	33	5	2	2 Years 2/27/08
Weatherfield Farms (February 2004 Plan)	Fairfield	168	168	1	1 Year 2/28/07
Westridge East (January 2005 Plan)	Three Chopt	7	7	0	1 Year 2/28/07

298

299 Mr. Archer - Are there any questions by the Commission?

300

301 Mr. Silber - Mr. McGarry, is there anything of interest you need to share with the
302 Commission on these?

303

304 Mr. McGarry - No, sir. We have received all of the extension fees and we can recommend that
305 they be extended.

306

307 Mr. Archer - All right. Thank you, Mr. McGarry.

308

309 Mr. Silber - The first item on the formal agenda is a rezoning request. As you may recall, this
310 was deferred from the February 9, 2006, Planning Commission hearing. This is C-3C-06.

311

312 **Deferred from the February 9, 2006 Meeting**

313 **FAIRFIELD**

314 **C-3C-06 Eric Walker for Attack-Walker Construction, LLC:** Request to conditionally rezone
315 from A-1, Agricultural District to R-3C, One Family Residence District (Conditional), Parcel 777-764-
316 7772, containing 0.96 acre, located on the west line of Mountain Road approximately 335 feet south of
317 Francis Road. The applicant proposes a single-family residence. The R-3 District allows a minimum lot
318 size of 11,000 square feet with a maximum gross density of 3.96 units per acre. The use will be controlled
319 by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Open
320 Space/Recreation.

321

322 Mr. Archer - Is there any opposition to C-3C-06, Eric Walker for Attack-Walker Construction,
323 LLC in the Fairfield District? Good morning, Ms. Neaves.

324 Ms. Neaves - Good morning, Mr. Chairman. Thank you, members of the Commission, Mrs.
325 O'Bannon, Mr. Secretary. As stated, this request is for construction of a single-family dwelling. The
326 2010 Land Use Plan designates this parcel as Open Space/Recreation which relates to the former Spring
327 Lake Golf Club. However, the golf club was recently rezoned to permit a residential subdivision. As
328 stated, this property does abut the Spring Lake subdivision and staff strongly believes that it should have
329 been incorporated. However, the applicant has indicated this is not going to happen. Developing the
330 property for a single-family residence could be warranted. The Planning Commission heard this request
331 at their February 9 meeting and deferred the item for two weeks based on the following unresolved issues:
332 a four-foot sidewalk along Mountain Road, dedication of right-of-way along Mountain Road, and
333 landscaping along Mountain Road, all consistent with the Spring Lake Subdivision.

334

335 We have received draft proffers this morning for staff's review. Three additional draft proffers have been
336 submitted. A sidewalk shall be installed along Mountain Road from the northern property line to the
337 southern property line. The sidewalk shall be constructed of concrete and will be a uniform width of four
338 feet. Right-of-way dedication: the owner shall dedicate to Henrico County the right-of-way needed for the
339 ultimate right-of-way along Mountain Road, not to exceed three feet in width. Should the dedicated
340 property not be used for the widening of Mountain Road within 30 years of the date of the dedication,
341 title to the dedicated property shall revert to the owner or its successors in interest. Landscaping strip: the
342 landscaping strip shall be installed within 40 feet of the constructed dwelling on the property. This
343 landscaping strip shall consist of two large evergreens with an ultimate height of 50 feet and 10 shrubs.

344

345 Staff is somewhat comfortable with these proffers. Again, they are draft proffers and they have not been
346 signed by the owner/applicant. We are willing to work with the applicant between now and the Board of
347 Supervisors meeting to further refine these as necessary. This does conclude my presentation. I'll be
348 happy to answer any questions. The applicant is also here.

349

350 Mr. Archer - Thank you, Ms. Neaves. Anyone on the Commission have any questions for Ms.
351 Neaves?

352

353 Mr. Jernigan - When did you say you received the proffers?

354

355 Ms. Neaves - This morning.

356

357 Mrs. O'Bannon - When right-of-way is dedicated isn't that usually just dedicated? I don't
358 remember. Does it ever revert back?

359

360 Mr. Silber - Mrs. O'Bannon, yes, that's fairly typical. The state code actually indicates that if
361 property dedicated to the locality is not used, then there are provisions for it reverting back. So, the
362 County Attorney actually purges language dealing the disposition of the property that is not used up for
363 its purpose. The three feet, the clarification on the three feet, you may recall when this came up before at
364 your last hearing, there was indication that there would be 25 feet necessary on Mountain Road. Public
365 Works has given us revised information. The right-of-way is currently 60 feet wide. The ultimate right-
366 of-way will be 66 feet in width; therefore, Department of Public Works has indicated only three feet will
367 be necessary from this side of the road. So, there is quite a change from earlier indications of 25 feet.

368

369 Ms. Neaves - That's correct.

370 Mr. Silber - So the applicant had presented this concern with the sewer line but since they are
371 only having to setback three more feet, that is no longer a concern. Mrs. Jones, do you have a question.
372

373 Mrs. Jones - My question was whether the sewer line issue had resolved but you just answered
374 my question. Thank you.
375

376 Mr. Silber - And, again, the applicant does not have the power of attorney on these proffers.
377 The owner has not signed these proffers. We accepted these only from the standpoint of letting you know
378 what we are working on, but they cannot be accepted in this form because they have not been signed.
379 The Commission can act on the rezoning case but these three proffers are still in the process of being
380 worked on. We just saw them for the first time this morning.
381

382 Mr. Jernigan - If it is passed, we just forward it to the Board, and they will be signed before the
383 Board receives them.
384

385 Mr. Silber - Yes.
386

387 Mr. Archer - Mr. Walker, would you come up please?
388

389 Mr. Walker - Good morning.
390

391 Mr. Archer - Good morning, Mr. Walker. Would you state your name for the record?
392

393 Mr. Walker - Sure. I'm Eric Walker with Attack-Walker Construction.
394

395 Mr. Archer - Mr. Walker, you and I have had quite a bit of conversation concerning this and of
396 course you and Ms. Neaves worked very hard on this yesterday to get to a point where it could be
397 workable. The previous misunderstanding having to do with the setback has been resolved. Staff is
398 sticking to the fact that they would have liked to have seen this incorporated into Spring Lake
399 subdivision. I just wanted you here to make sure that you understand that the proffers do have to be
400 signed between now and the time the Board meets and of course, the Board, at its discretion can make
401 whatever decision it chooses to on this.
402

403 Mr. Walker - I understand.
404

405 Mr. Archer - Anybody have any questions for Mr. Walker? I appreciate working with you on
406 that. All right, with that, Mr. Secretary, I will move to recommend approval of C-3C-06, Eric Walker for
407 Attack-Walker Construction, LLC to the Board of Supervisors.
408

409 Mr. Vanarsdall - Second.
410

411 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All in
412 favor say aye...all opposed say nay. The motion passes.
413

414 **REASON:** The Planning Commission voted 5-0 (one abstention) to recommend the Board of
415 Supervisors **grant** the request because it represents a logical continuation of the one-family residential
416 development, which exists in the area.

417 **TRANSFER OF APPROVAL (Deferred from the January 25, 2006, Meeting)**

418

POD-56-74
Commonwealth Tents
(Formerly Bertozzi Warehouse)
5603 Greendale Road

John Hodgson for W&H, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from A. Bertozzi, Inc. to W&H, LLC. The 3.076-acre site is located on the east line of Greendale Road between Irisdale Avenue and Greenway Avenue at 5603 Greendale Road on parcel 775-745-7650. The zoning is M-1, Light Industrial District. County water and sewer.
(Brookland)

419

420 Mr. Archer - Is there anyone in the audience in opposition to this transfer of approval request
421 for POD-56-74, Commonwealth Tents, in the Brookland District? No opposition. Mr. Kennedy.

422

423 Mr. Kennedy - Good morning, ladies and gentlemen. This case was deferred from the last
424 meeting and at that time, Mr. Vanarsdall had requested a re-inspection of the property. The re-inspection
425 was done and some additional deficiencies were identified and those deficiencies included: Repairs to a
426 screen wall, some outdoor storage, and some pavement repairs. Those are the primary things. Staff has
427 requested that a bond \$6,000.00 be posted. That bond has not been posted and we've noted that there are
428 deficiencies to the new owner who originally sent in the request indicating that he was in agreement to the
429 terms of the conditions on the plans of development. So, therefore, staff is recommending approval of the
430 transfer subject to the condition in the agenda which indicates that a bond shall be posted to cover site
431 deficiencies identified in the inspection report and that the deficiencies shall be completed by May 31,
432 which is 90 days.

433

434 Mr. Vanarsdall - Mr. Kennedy, did you say the bond shall be posted, but it has not been?

435

436 Mr. Kennedy - No, it has not been, at this time.

437

438 Mr. Vanarsdall - Is the applicant here this morning?

439

440 Mr. Kennedy - He was invited to be here but I don't see him in the audience, no.

441

442 Mr. Vanarsdall - Well, I'm between a rock and a hard place and I deferred it last time. I don't
443 have the authority to defer it this time. And he's not here and I don't want to deny it. So, do we have any
444 way out?

445

446 Mr. Silber - Mr. Vanarsdall, I think you can defer it again.

447

448 Mr. Kennedy - This is not a POD so you can defer it.

449

450 Mr. Vanarsdall - Well, I'm going to exercise that. We've always had to count the calendar days, if
451 it happens on the 7th you can do it, but if it happens on the 15th you can't, it can happen on the first, New
452 Year's Eve. Mr. Secretary, I'll take your word for it.

453

454 Mr. Silber - Mr. Vanarsdall, I think you may be confusing this with a plan of development
455 submitted for approval or rezoning request there are some time limitation on those and of course you need
456 to act. This is a plan of development that has already been approved, and it's been transfer from one
457 owner to another owner. There is no time period which you are held to.

458 Mr. Vanarsdall - You are right. I wasn't going by transfer of authority.
459
460 Mr. Silber - So, you can defer this.
461
462 Mr. Vanarsdall - Never had this before.
463
464 Mr. Silber- In fact, I would recommend that you defer this.
465
466 Mr. Vanarsdall - You would think as long as I've been sitting here I would know that, but I can't
467 remember having to defer a TOA.
468
469 Mr. Kennedy - For the record, the applicant did ask me what would happen if we did not
470 approve the transfer of approval and I did advise him that we would follow-up with Code Enforcement.
471 That the condition would be basically an enforcement agreement, it will defer enforcement from the
472 violations. These are actually violations. The Code specifically requires that the fence be repaired and no
473 outdoor storage and he'll be referred to Community Maintenance for filing appropriate action.
474
475 Mr. Vanarsdall - Thank you, Mr. Kennedy.
476
477 Mr. Archer - All right. Are we ready for a motion?
478
479 Mr. Vanarsdall - I move transfer of approval POD-56-74, Commonwealth Tents at 5603
480 Greendale Road, be deferred until March 22 at the Commission's request.
481
482 Mr. Jernigan - Second.
483
484 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Vanarsdall. All in
485 favor say aye...all opposed say nay. The motion passes.
486
487 The Planning Commission deferred the transfer of approval request for POD-56-74, Commonwealth
488 Tents (Formerly Bertozzi Warehouse) 5603 Greendale Road to its March 22, 2006 meeting.
489

490 **TRANSFER OF APPROVAL**

491

POD-14-02
Long & Foster Office
Building –
3991 Williamsburg Road

Hirschler Fleischer for Wilton Development Corporation: Request for transfer of approval of a portion of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code from Wilton Development Company to Wilton Family Investments II, L.C. The 3.15-acre site is located at 3991 Williamsburg Road on parcel 847-711-9746. The zoning is B-3, Business District. County water and sewer. (**Varina**)

492

493 Mr. Archer - Is there anyone in the audience in opposition to POD-14-02, Long & Foster
494 Office Building, in the Varina District? No opposition. Mr. McGarry, good morning, sir.
495

496

496 Mr. McGarry - This is another problematic transfer of approval. The request was received in
497 November for the transfer and landscaping discrepancies were found so it has been held for many
498 Planning Commission agendas pending the applicant's either replacing the landscaping or posting a bond.

499 We received a request to place it on this agenda with the understanding that everything has been done.
500 During our re-inspection our inspectors found that nothing has been done. So, apparently there is some
501 miscommunication between the attorney and the developer. I have made repeated calls to the
502 representative and have not gotten a response for this meeting this morning. So, staff cannot recommend
503 approval and I guess we are faced with a deferral of this until next month to give them a chance to either
504 bond it or do the landscaping installation and it will be March so maybe they will be able to do it.

505

506 Mr. Jernigan - Well, we have set a record for this month. Two TOA deferrals in the same
507 month.

508

509 Mr. Archer - The applicant is not here?

510

511 Mr. McGarry - No, sir.

512

513 Mr. Archer - Well, Mr. Jernigan, I suppose we need a motion.

514

515 Mr. Jernigan - I guess we do, Mr. Chairman. And, with that, Mr. Chairman, I will move for
516 deferral of transfer of approval POD-14-02, Long & Foster Office Building, to March 22, 2006, by
517 request of the Commission.

518

519 Mr. Vanarsdall - Second.

520

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

523

524 The Planning Commission deferred the transfer of approval request for POD-14-02, Long & Foster Office
525 Building – 3991 Williamsburg Road, to its March 22, 2006 meeting.

526

527 **PLAN OF DEVELOPMENT & MASTER PLAN**

528 **(Deferred from the January 25, 2006, Meeting)**

529

POD-64-05

Antioch Baptist Church –
1384 New Market Road
(POD-39-96 Revised)

Engineering Design Associates for Antioch Baptist Church:
Request for approval of a revised plan of development and master plan
as required by Chapter 24, Section 24-106 of the Henrico County
Code, to construct a Phase 1, two-story, 546-seat sanctuary with
parking and a Phase 2 one-story, 8475 square foot education building.
The 4.62-acre site is located at 1384 New Market Road along the east
line of New Market Road (State Route 5) between Chatsworth Road
and Freeless Street on parcels 804-700-1773, 3054 and 3543. The
zoning is A-1, Agricultural District. County water and sewer. (**Varina**)

530

531 Mr. Archer - Is there anyone in the audience in opposition to POD-64-05, Antioch Baptist
532 Church, in the Varina District. No opposition. Good morning, Rev. Sailes It's nice to see you, sir. Mr.
533 McGarry.

534

535 Mr. McGarry - A revised staff plan is in your packet. It is the second one from the top, not the
536 one on top. All staff recommendations have been accepted by the engineer. The Department of Public
537 Works can now recommend approval of the BMP design. The staff recommends approval subject to the

538 annotations on the plans, the standard conditions for developments of this type, and the following
539 additional conditions, No. 1A, and Nos. 24 through 33 and No. 34 on your addendum. I'll be happy to
540 answer any questions.

541

542 Mr. Archer - All right. Thank you, Mr. McGarry. Are there questions for Mr. McGarry.

543

544 Mr. Silber - Mr. McGarry, did you say there was a revised plan?

545

546 Mr. McGarry - It is the second sheet from the top in your packet.

547

548 Mr. Silber - I don't think I have it.

549

550 Mr. McGarry - You got short changed.

551

552 Mr. Silber - Do the members of the Commission have the revised plan?

553

554 Mr. Jernigan - I thought we got the revised plan in the packet.

555

556 Mr. Silber - Ted, are you talking about the addendum packet?

557

558 Mr. McGarry - No. I'm talking about the original packet you got.

559

560 Mr. Silber - It is in the original packet, the revised plan is the second plan.

561

562 Mr. McGarry - It is the second one from the top, not on top.

563

564 Mr. Vanarsdall - It's the second one.

565

566 Mr. McGarry - Correct.

567

568 Mr. Silber - You had us confused for a minute, but I think we are back on tract.

569

570 Mr. Vanarsdall - Which one are you on, the third one?

571

572 Mr. McGarry - No. We have an original plan, and a revised plan and they were able to be
573 received in time to get them to you in your packet.

574

575 Mrs. O'Bannon - Can you describe the changes in the BMP?

576

577 Mr. McGarry - Okay. The BMP has been revised to provide an adequate bench and provide
578 proper slope for this location.

579

580 Mr. Jernigan - Well, that was the only question (unintelligible).

581

582 Mr. McGarry - Correct because the actual revised plan doesn't show it in detail.

583

584 Mr. Jernigan - Okay.

585

586 Mr. Silber - Has Public Works seen the revised plan.

587 Mr. McGarry - Yes. And dealing directly with the design of the BMP and can now recommend
588 approval.

589

590 Mr. Silber - Is there an additional access going on Route 5?

591

592 Mr. McGarry - I guess I shorted you on the review of it. The revised plan took care of a lot of
593 the staff's concerns regarding the Route 5 access point, parking in the front yard, installation of a parking
594 driveway connecting to two parking lots on site, and the only outstanding issue turned out to be the
595 details of the design for the BMP. So, that is a summary of the differences between your revised plan and
596 your original plan.

597

598 Mr. Silber - At first I thought you were saying the only difference was the BMP, but there
599 were quite a few changes with the parking layout, building design, and access points. The revised plan is
600 certainly different.

601

602 Mr. McGarry - Correct.

603

604 Mr. Archer - All right. Are there any further questions for Mr. McGarry? Would you like to
605 hear from the applicant, Mr. Jernigan?

606

607 Mr. Jernigan - We worked on this quite a while and I want to thank Mr. McGarry. We thought
608 we had the driveway entrances all worked out one day and then VDOT didn't like it, so anyway it ended
609 up, all the driveways and everything were okay, the only thing we were held up on was the adequate
610 bench. At first it was a three to one slope then it went to a four to one slope and then it went to the
611 adequate bench so that had to give them enough room to have the drive around joining the two parking
612 lots. I'm okay with it.

613

614 Mr. Archer - All right.

615

616 Mr. Jernigan - So, I'm ready to make a motion. Mr. Chairman, with that I will move for
617 approval of POD-64-05, Antioch Baptist Church, 1284 New Market Road, subject to the annotations on
618 the plans, the standard conditions for developments of this type, and the additional conditions No. 1A, 24
619 through 33 and No. 34 on the addendum and staff's recommendation.

620

621 Mr. Vanarsdall - Second.

622

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

625

626 The Planning Commission approved POD-64-05, Antioch Baptist Church, 1284 New Market Road
627 (POD-39-96 Revised) subject to the standard conditions attached to these minutes for developments of
628 this type, the annotations on the plans and the following additional conditions:

629

630 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for
631 connections to public water. The well location shall be approved by the County Health
632 Department before a building permit is issued. Connection shall be made to the public water
633 system when available within 300 feet of the site/building.

634 24. The right-of-way for widening of New Market Road (State Route 5) as shown on approved plans
635 shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way

636 dedication plat and any other required information shall be submitted to the County Real Property
637 Agent at least sixty (60) days prior to requesting occupancy permits.

638 25. The entrances and drainage facilities on New Market Road (State Route 5) shall be approved by
639 the Virginia Department of Transportation and the County.

640 26. A notice of completion form, certifying that the requirements of the Virginia Department of
641 Transportation entrances permit have been completed, shall be submitted to the Department of
642 Planning prior to any occupancy permits being issued.

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

645 28. Approval of the construction plans by the Department of Public Works does not establish the curb
646 and gutter elevations along the Henrico County maintained right-of-way. The elevations will be
647 set by Henrico County.

648 29. Approval of the construction plans by the Department of Public Works does not establish the curb
649 and gutter elevations along the Virginia Department of Transportation maintained right-of-way.
650 The elevations will be set by the contractor and approved by the Virginia Department of
651 Transportation.

652 30. The conceptual master plan, as submitted with this application, is for planning and information
653 purposes only. All subsequent detailed plans of development and construction plans needed to
654 implement this conceptual plan may be administratively reviewed and approved and shall be
655 subject to all regulations in effect at the time such subsequent plans are submitted for
656 review/approval.

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

662 32. When public water is available to the site, fire hydrants shall be installed by the property owner to
663 meet existing ISO – Needed Fire Flow requirements and Division of Fire and Department of
664 Public Utilities commercial property minimum hose lay requirement which is 350 feet.

665 33. All buildings when constructed shall include a fire detection alarm system. The alarm system
666 shall be designed and installed to provide immediate notification to the Fire Division in the event
667 of an alarm situation at the facility. A twenty-four hour monitoring company must be utilized for
668 this service.

669 34. If curb and gutter is required along Route 5, a standard VDOT five-foot sidewalk with a two-foot
670 utility strip shall be provided.

671 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION RECONSIDERATION**

672 (Deferred from the May 25, 2005, Meeting)

673

POD-104-00
Sandston Senior Retirement
Community –
520 E. Williamsburg Road

Engineering Design Associates for Southside Community Development & Housing Corporation: Request for reconsideration of conditions of approval for a plan of development and special exception, as required by Chapter 24, Sections 24-2, 24-29(c), 24-94(b) and 24-106 of the Henrico County Code, which authorized construction of a three-story, 100-unit independent living adult facility. The 19.135-acre site is located at 520 E. Williamsburg Road (U. S. Route 60) on parcel 831-715-9157. The zoning is R-5, General Residence District, A-1, Agricultural District and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina)**

674

675 Mr. Archer - Is there anyone in the audience in opposition to POD-104-00, Sandston Senior
676 Retirement Community, in the Varina District? We have opposition. Mr. Kennedy.

677

678 Mr. Kennedy - Good morning, again. A POD and special exception for a three-story building
679 was approved by the Planning Commission in July of 2003. The conditions related to the special
680 exception included a definition of elderly housing. It permitted handicap elderly housing, specifically.
681 And the definition of elderly housing described elderly as being over the age of 62. At this time, the
682 applicant is requesting, actually, originally, in May they requested and before they finished construction
683 and now they are in the process of occupying the building. It was deferred at that time. They have
684 requested a change from the age of 62 to 55 for the definition of elderly. The applicant indicates that
685 when the project was originally proposed, it was the only project for elderly housing proposed in the area.
686 Since that time, several other projects have been proposed and approved. More particularly, the one at
687 Dabbs House Road known as Carter Woods I and II, which has two phases and is approximately 200
688 units and the one at Darbytown Road, with another 100 units. So, they now have competition for that.

689

690 Staff does not express any opposition to this. It is up to the applicant to make a presentation on this. It is
691 noted, however, that we have received a petition from the adjoining subdivision, Pine Creek South.
692 Twelve property owners in that subdivision indicated opposition to the change, and I think some
693 representatives from that subdivision are here, to speak to that opposition.

694

695 Mr. Archer - All right, thank you, Mr. Kennedy. Are there any questions for Mr. Kennedy
696 from the Commission? No questions at this time. Okay, Mr. Kennedy, I guess we need to hear from the
697 opposition. We'll hear from the applicant first and then the opposition. Mr. Secretary, we will need you
698 to remind the applicant of the time. Good morning, sir.

699

700 Mr. Middleton - Good morning. My name is James Middleton, Mr. Chairman, members of
701 Council.

702

703 Mr. Archer - Mr. Middleton, before you go on we would like to remind you that we allow 10
704 minutes for each side, and if you would like to reserve some time for rebuttal you may do so.

705

706 Mr. Middleton - Yes, sir. Thank you very much.

707

708 Mr. Archer - Do you have any idea how much time you will need?

709

710 Mr. Middleton - Just a few minutes.

711

712 Mr. Archer - Two minutes maybe?

713

714 Mr. Middleton - Yes, that will be fine.

715

716 Mr. Archer - Okay, you have eight minutes.

717

718 Mr. Middleton - Thank you. We were here in May 2005 requesting an amendment to the term
719 "elderly" be from 62 to 55. We agreed that we would come back, after giving some time to pre-lease the
720 property, if we felt that was necessary. We do feel at this point in time, that it would be necessary to have
721 the age limit reduced from 62 to 55. We have sent out 85 applications. We have received 42
722 applications. We currently have, of the 42, we had several that were over qualified for the facility. Many
723 of the applicant's we have received were from adjoining facilities that would like to move back home to
724 Sandston. We currently have 37 applicants and of those eight are under qualified for the age restriction.
725 Of those eight, their ages are 58 from Sandston, 57 from the city, 62 from Henrico, 60 from the city, 57
726 from Sandston and 3 at 59 from Henrico. We have two applicants whose children live in Pine Creek
727 South and we have other applicants who live in adjacent competitor developments that would love to
728 move back but are restricted from doing so because of the age restrictions. We, again, respectfully,
729 prayfully, ask for your consideration of a reduction of 62 to 55. Thank you.

730

731 Mr. Archer - All right. Thank you, sir. Are there any questions for the applicant?

732

733 Mr. Jernigan - I just want to say one thing. The person who is 62 is qualified, 62 and above and
734 not 63. It says, and correct me if I am wrong staff, it says 63 but it's 62.

735

736 Mr. Middleton - Yes, I saw that and I mentioned 62 down here, which that one person would
737 qualify.

738

739 Mr. Jernigan - Well, I don't have any questions for you. I would like to hear from the
740 opposition.

741

742 Mr. Middleton - Thank you.

743

744 Mr. Archer - All right. Is there someone here to represent the opposition or is there more than
745 one speaker? While you are coming, I would like to remind you that you have 10 minutes to speak, not
746 for each of you, but 10 minutes total.

747

748 Mr. Volley - Good morning, Mr. Commissioner and members of the Commission. My name
749 is Ronald Volley and I live at 2100 Pine Glen Court, Sandston, VA. I am also the president of the
750 Homeowners Association, Pine Creek South Homeowners Association. The Sandston Senior Retirement
751 Community is located about three houses into the entrance of the Pine Creek Subdivision. There wasn't
752 much we could do about the construction of the building. The property that the building sits on was not
753 sold to the developer who built the Ryan Homes in the subdivision. I guess the property owners waited
754 for the highest bidder.

755 When we the homeowners in the subdivision realized that the structure being built was going to be a
756 senior community, we felt that we could live with the senior citizens. Then we found out that the
757 community was to become low income. That did not set well with the homeowners. The values in the
758 subdivision ranges from \$200,000.00 to \$300,000.00. We having a low-income community right in the
759 subdivision would greatly impact the value of these homes. On top of that, now the corporation wants to
760 change the definition of the word "elderly" from 62 years old to 65 years old (sic). We feel that by
761 revising the age limit to 55 years old would be another great impact on the value of the properties in the
762 subdivision.

763

764 I'm 54 years old. I don't consider myself as elderly. Some of you look to be in your 50's, do you
765 consider yourself elderly (laughs from the audience and Commission)? I also have teenage children. So,
766 at 55 years old one can have teenage and younger children. That's another issue in the revision that can
767 have an adverse effect on the property value. Fifty-five year old, low-income, renters could possibly
768 bring some unsavory characters into the subdivision which could greatly increase crime and affect the
769 safety of the homeowners. And that is a definite impact on the value of the properties of the subdivision.
770 If has been proven that individuals care less about property that they rent than if they were owning. We
771 are not saying that all low-income renters don't care about their surroundings, we just don't want to take
772 that chance because once these homes and properties lose their value because of the senior community, it
773 will never gain it back. We ask that the Planning Commission do not accept the revision until the
774 corporation meets with the board of directors and president of the Homeowners Association to come to a
775 happy medium that we both can live with.

776

777 Mr. Archer - Thank you, sir.

778

779 Mr. Jernigan - Mr. Volley, do you know the history of that piece of property? I'll tell you what
780 happened. Originally, before Pine Creek was built, there was a home built back there, a retirement home,
781 and what happened, the gentlemen that built that project died. It was never inhabited because of Codes,
782 the way things change, the building didn't meet the standards of what it was today. That property was
783 probably zoned back in the late 60's or early 70's. It was zoned R-5 for apartments. It never had to come
784 through zoning again, knowing that it was open for apartments then, and that's what the Commission had
785 to work with. And that's the reason, it is R-5, which is for apartments, and like I said that happened back
786 years ago and we couldn't change that. I didn't know if you were familiar with that or not.

787

788 Mr. Volley - No, I wasn't.

789

790 Mr. Jernigan - That's what happened on it. Thank you, Mr. Volley.

791

792 Mrs. Jones - I have a quick question. Mr. Volley, just to be clear. Your concerns were low-
793 income residents or elderly residents?

794

795 Mr. Volley - Both, low-income and elderly. Like I said, we could live with 62 years and
796 older, but 55 years....

797

798 Mr. Jernigan - This isn't Section-Eight Housing, I will tell you that. You have to meet the
799 income variable. What happens some people makes too much money to be in there, and I'm not sure
800 what it is, but you can't be on welfare and get in there, you have to have a job and be working in order to
801 qualify.

802 Mr. Volley - Like I said, in the revision it says that exclusive management personnel, their
803 spouses, children, brothers, sisters, that sounds like anybody can come live in there, to us. And like I
804 said, with low-income, it stands the chance of bringing some unsavory characters into the subdivision.
805 We are really concerned about the crime and safety in that subdivision and the property value. We don't
806 want to loose them.

807

808 Mr. Jernigan - The conditions on 55 are looser than they are on 62, all around.

809

810 Mr. Volley - Yes, sir.

811

812 Mr. Jernigan - All right. Thank you, Mr. Volley.

813

814 Mr. Volley - Thank you.

815

816 Mr. Archer - Mr. Volley, did I understand you say that you all have not met with the
817 applicant?

818

819 Mr. Volley - No, we haven't. They've never tried to meet with us or anything. The
820 subdivision was there way before this building was constructed.

821

822 Mr. Archer - I just wanted to make that clear. All right, good morning.

823

824 Mr. Easley - Good morning to everyone. My name is Craig Easley and I am a homeowner out
825 there as well. One of the board of directors for the homeowners association. I am also an employee for
826 the City of Richmond's Department of Justice Services. To back up pretty much what Mr. Kennedy said,
827 we have 13 more petitions to go along with the ones he presented. I think as far as the history of the
828 building, which is a bad experience for myself, personally. Two weeks after we moved there last
829 September, not this September but the one prior to. The old building that was there, there was some
830 unsavory characters that came out and tried to burn the old building down, about seven or eight kids. So,
831 the Fire Department came out, and this was only two weeks after I'd live there and they were trying to
832 burn the old building down. Just being a homeowner out there, and the value of your home, being on the
833 board and trying to enhance everything. We don't have a problem with the elderly that's specifically
834 living out there but I think the age group, as Mr. Volley said, when you lower the age group you tend to
835 bring a whole lot of different varieties of children and different things like that. We were all under the
836 impression that, no offense, but some elder persons in the neighborhood that you can bake cookies with
837 and kind of just walk around and really just mentor the old person, book reading or whatever, different
838 things like that. So, we were kind of under the wrong impression of what we were actually getting
839 ourselves into and we really like the property value of our homes and that's just why a lot of people
840 purchased out there. We have about three or four people who are selling their homes, we don't really
841 know their official reasons, nobody wants to say, but it just so happens to be the first two houses when
842 you come into the development which is right across from this development. So, we don't want to see
843 our property value go down. We don't want to see people who are not a part of our association who no
844 more than 100 feet from the actually two houses that are in the back, facing that. So, we just want to keep
845 our neighborhood like it is without some unsavory characters running through the neighborhood, which it
846 has already seem to have started. The fire, chains and things that are only suppose to be entered and
847 exited by the Fire Department, they have already been taken down. The backside is already being utilized
848 by transportation. It's nothing standard there other than just a chain that you can just unhook and just
849 throw to the ground.

850 That's already been done by the builders and the contractors and everybody going down there. So, as far
851 as the residents it is not going to stop them at all either. That's all I have. Just please consider it for us.

852

853 Mr. Jernigan - Thank you, Mr. Easley.

854

855 Mr. Archer - Are there any questions of Mr. Easley? Good morning, ma'am.

856

857 Ms. Jones - Good morning. My name is Dricilla Jones and I'm also a resident and a part of
858 the board of directors. I don't have a whole lot different to say than Mr. Easley and Mr. Volley. I do
859 want to say that I do have a concern about access. Like Mr. Easley was saying, in addition to that there is
860 a church, Seven Pines Church, that is there that has added an additional way to get through. And, again,
861 there is just a chain that can be taken up and down and it can add traffic to our area. We are concerned
862 about safety. We are concern the element of having a reduced age can bring because it will bring a
863 younger set of people. There will be younger children. There will be younger adults around and I think
864 that would be an issue with safety. Being a single person, I have an issue about safety. I am concern and
865 I respectfully request that you deny the reduction in the age.

866

867 Mr. Jernigan - Thank you.

868

869 Mr. Archer - Thank you, Ms. Jones. All right. I believe the applicant reserved some time for
870 rebuttal.

871

872 Mr. Middleton - Thank you very much. We were never aware that there was an association there.
873 We are more than willing to meet with the association to straighten out the misconceptions that are fairly
874 extreme. I am a hundred percent confident that the information that we share with them will certainly
875 change their position in terms of understanding, at the very least, understanding who's at the project,
876 come to the project, meet the applicants, meet the people and just meet with us. And, again, this is my
877 first time knowing anything about the existence of an association, but certainly we will be pleased to meet
878 with them. And I think we've asked for an opportunity to have this, or we will ask you now for that,
879 before a decision is made to have an opportunity to meet with the residents of Pine Creek and those that
880 have applied and have family members that are living there, that will be moving in. I think it is essential
881 that we have an opportunity to present that. Thank you. Are there any questions?

882

883 Mr. Jernigan - I'm in a tough spot because when this project originally came through you
884 weren't in on it, (unintelligible). So, your predecessor whoever you bought it from, and I think we had a
885 nice conversation on the phone the other day and I explained to you my situation. When this was
886 unrestricted, R-5, when the group that originally came through they could only have 65 units, that's what
887 the zoning code called for and they wanted those hundred and we were willing to... they felt if they age-
888 restricted it for 62 that that would be something that would be acceptable for everybody, and that's what
889 we did. And that's the deal that I worked with them. Now, unfortunately you bought it from them and
890 you feel that the marketing isn't what you thought it was, even though you do know that Carter Woods is
891 full.

892

893 Mr. Middleton - Yes, sir, I'm very familiar with the project.

894

895 Mr. Jernigan - You are probably getting some overrun from that. But, we do have opposition
896 and when I spoke to you the other day you felt... you said you hadn't talked to anybody who was
897 opposed to it and as you can see we have a quite a few people.

898

899 Mr. Middleton - No, sir.
900

901 Mr. Jernigan - I gave you a deferral in May, in order to work this thing out, but I just don't see
902 that I'm going to change my mind. Especially, today after the opposition, I don't think that we are going
903 to be able to work anything out. If I go back on the deal that I cut, it doesn't look good for me and I can't
904 do that. So, when I talked to you the other day, I told you if the Board voted this down, excuse me, if the
905 Planning Commission voted this down, then you could appeal it to the Board. Mr. Secretary, what is the
906 procedure for a Board Appeal from the Planning Commission?
907

908 Mr. Silber - I guess in this particular case, it's actually an appeal of a condition that was
909 placed on special exception. An appeal of a plan of development, if the applicant submits it, will be
910 placed on the Board agenda. The appeal would have to be filed within a certain period of time. I believe
911 it's 30 days. We may need to look at this situation because it's a special exception which is more or less
912 add on's on plans of development. So, I don't know if I have the answers today as to what that appeal
913 process is.
914

915 Mr. Jernigan - But, he can appeal it to the Board?
916

917 Mr. Silber - I'm sure there is an appeal process for a special exception, yes, sir.
918

919 Mr. Jernigan - If you want to meet with these people and talk to them and appeal it to the Board
920 then I think that's what we are going to do, but I always give everybody a deferral and I gave you a
921 deferral in May. I just don't feel I'm going to change my mind.
922

923 Mr. Middleton - Okay.
924

925 Mr. Jernigan - Because I gave them my word, and that's what I've got to stick by.
926

927 Mr. Middleton - I appreciate the opportunity to be heard.
928

929 Mr. Jernigan - Yes, sir, and I appreciate you coming.
930

931 Mr. Middleton - Thank you.
932

933 Mr. Jernigan - Thank you.
934

935 Mr. Archer - All right, Mr. Jernigan.
936

937 Mr. Jernigan - Mr. Chairman, with that I will move to deny POD-104-00, Sandston Senior
938 Retirement Community for the age change.
939

940 Mr. Vanarsdall - Second.
941

942 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
943 favor say aye...all opposed say nay. The motion passes.
944

945 The Planning Commission denied the request for POD-104-00, Sandston Senior Retirement Community,
946 for a reconsideration of the POD for an age amendment.
947

948 Mrs. O'Bannon - I would like to pass on to the Planning Commission that facilities like this are
949 retirement facilities and citizens who took surveys and citizens saying this is the area they are looking to
950 retire generally in the eastern part of the County. They say that there is a need out there. The folks don't
951 want to leave.

952

953 Mr. Jernigan - Yes, ma'am. I am aware of that but when this originally came around the deal
954 we made was age 62 and I just feel I have to stick by that.

955

956 Mrs. O'Bannon - Oh, no, I'm not second-guessing anything. I just thought I let the Commission
957 know that we have done surveys. We have talked to the folks in the community, as you know, and they
958 want to stay in the community and like the idea of retirement facilities (unintelligible) a walkable
959 community and then we put the money in the streetscapes and all that. Just FYI.

960

961 Mr. Jernigan - That's the reason why we have a few facilities coming down there. We did not
962 have any. Now we also have Settlers Ridge (unintelligible). That will be ready here shortly.

963

964 Mr. Archer - Thank you, Mrs. O'Bannon.

965

966 **PLAN OF DEVELOPMENT**

967

POD-5-06 St. Claire Ridge Townhomes 2807 – 2815 Mechanicsville Turnpike	Engineering Design Associates for J. H. and Russell R. Thompson, Jr., Josephine O. & I. B. McGhee, Joann Turner, V. M. Little and Loftis Real Estate Development: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 54, two-story townhomes for sale. The 4.85-acre site is located on the east side of Mechanicsville Turnpike (U.S. Route 360), approximately 350 feet north of Saint Claire Lane, on parcels 800-730-7438, 3962 and 3223. The zoning is R-5, General Residence District. County water and sewer. (Fairfield)
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968

969 Mr. Archer - Is there anyone in the audience in opposition to POD-5-06, St. Claire Ridge
970 Townhomes, in the Fairfield District? No opposition. Ms. Goggin, good morning.

971

972 Ms. Goggin - A revised annotated plan and architectural drawings providing the rear elevations for the
973 townhomes are in your handout addendum. This case is the sister case to the condo project that was heard
974 by the Planning Commission at the January POD hearing and this site is adjacent to is the site of the
975 condos. Last month the applicant submitted, and Public Works approved, a waiver requesting the ability
976 to address the 50/10 Stormwater Detention by rechecking the site directing the water into the existing
977 stormsewer along Mechanicsville Turnpike. So, Public Works Design Division can recommend approval.

978

979 The applicant has provided the right-hand turn lane into the project as requested by both VDOT and the
980 County's Traffic Division with proper right-of-way dedication. Staff has requested that the developer
981 consider adding some additional architectural features on the sides of the units adjacent to Mechanicsville
982 Turnpike such as additional windows, bay windows or even the entrance door into the unit. No additional
983 information concerning this request has been submitted at this time. Planning has also asked the
984 developer what kind of landscaping or other improvements such as fencing will be provided for this
985 development and recommends that the landscape and lighting plan is returned to the Commission for their
986 review and approval. Staff can recommend approval subject to the annotations on the revised plan, the

987 standard conditions for developments of this type, conditions Nos. 24 through 39 in the agenda, Nos. 9 an
988 11 amended on page 2 in the handout addendum and the revised architectural elevations which were
989 submitted yesterday and will require a time limit waiver. Rob and Jason Loftis, the developers and
990 Courtney Fisher from Engineering Design Associates are here if you have any questions of them, and I
991 will be happy to answer any questions the Commission may have.

992

993 Mr. Archer - Thank you, Ms. Goggin. Ms. Goggin, you know the little cut and paste operation
994 you did.

995

996 Ms. Goggin - Yes.

997

998 Mr. Archer - Did you discuss that with the applicant and did they agree to that?

999

1000 Ms. Goggin - The developer is not the builder and I have not gotten any information from them
1001 concerning that but they are here if you would like to ask them.

1002

1003 Mr. Archer - They did see them, didn't they?

1004

1005 Ms. Goggin - I told them what I did, but they haven't seen them.

1006

1007 Mr. Archer - Thank you. Are there any questions from the Commission? Would the applicant
1008 come forward, please? Good morning, Mr. Loftis.

1009

1010 Mr. Loftis - Good morning, Mr. Archer, how are you?

1011

1012 Mr. Archer - Fine, sir. You are aware that Ms. Goggin has suggested some additional features
1013 that we would like to see incorporated and for you to decide on that. It didn't appear to be anything that
1014 earthshaking.

1015

1016 Mr. Loftis - That's true. No, sir, it is not.

1017

1018 Mr. Archer - Are you agreeing to put some additional design features into the architecture?

1019

1020 Mr. Loftis - Yes, we discuss it with Christina, and we certainly can do that, some windows or
1021 some other architecture detailing on those units that face Mechanicsville Turnpike.

1022

1023 Mr. Archer - What about, Ms. Goggin, we indicated some fencing would be appropriate, did
1024 we not?

1025

1026 Mr. Loftis - That's right.

1027

1028 Mr. Archer - Can we address that when Nos. 9 and 11 come back?

1029

1030 Ms. Goggin - Yes, sir.

1031

1032 Mr. Loftis - We discussed installing, of course the details of this will be shown on the
1033 landscape plan, which will come back obviously before the Planning Commission, we will put a fence,
1034 we discussed it at the tentative hearing on, or the POD hearing for this case actually, we will be installing
1035 a fence along the rear of this property (referring to adjacent condo project on the screen), which will be

1036 detailed on the landscape plan approval.

1037

1038 Mr. Archer - Well, the reason I mentioned that, Mr. Loftis, if you recall when we met to
1039 discuss the zoning on this prior to the zoning case, and this was sort of a novel approach that we came up
1040 with to put these features in and have it done. And one of the things that we wanted to do was, well there
1041 is not much open space left on that side of Mechanicsville Turnpike, going back towards the city and even
1042 going back farther into eastern Henrico. We wanted to make sure that this would sort of be a gateway
1043 into that side of the community and also sort of use it as a tool for the development of the neighborhood
1044 that is behind it because in the areas that are close to this development it seems to be on the down side
1045 now and we thought that this would be a good way to get it back up. We thought we would keep that in
1046 mind when we come forward with the landscape plan. So, if you would just keep an open mind, we
1047 would appreciate that.

1048

1049 Mr. Loftis - We will.

1050

1051 Mr. Archer - Are there any other questions from Commission members?

1052

1053 Mr. Jernigan - I have a question. Mr. Silber, when I'm looking at this on a block of nine units
1054 on this townhouse, I thought we were trying to hold these... I was told to hold these to five in my district.

1055

1056 Mr. Silber - Mr. Jernigan, we have been. We been trying to keep it down to four or five.
1057 This is more than we had desired. It was approved this way at the time of rezoning, as I recall. Ms.
1058 Goggin, is that the case?

1059

1060 Ms. Goggin - This parcel was not a part of rezoning, it's existing R-5.

1061

1062 Mr. Archer - This was an existing R-5 piece and when we did the rezoning we sort of made the
1063 other part of it kind of configured toward this. The original request was to make it all R-5, as I recall, is it
1064 not?

1065

1066 Mr. Loftis - Yes, sir, that's correct.

1067

1068 Mr. Archer - And, we sort of split it into two pieces and did the other part like we did last
1069 month, we give a little leeway on this one. I think ultimately we came out ahead. It could be denser.

1070

1071 Mr. Silber - In R-5 how many can you do in a row at this time?

1072

1073 Ms. Goggin - Twelve.

1074

1075 Mr. Silber - You can do twelve in a row, so they cut back to nine. Mr. Jernigan, also this is a
1076 plan of development, the subdivision for this has already been approved, assuming that this complies with
1077 what was approved with the tentative subdivision, nine in a row.

1078

1079 Ms. Goggin - Yes, sir. There might be some changes due to fire safety and as with any
1080 subdivision if the developer desires to lose a lot for ultimate design, that is also a possibility.

1081 Mr. Silber - Mr. Jernigan, I don't disagree with you. I think we always tie rezoning to the
1082 number of units in a row.
1083

1084 Mr. Jernigan - I saw that it was R-5 unconditional so I figured it was permitted but I wanted to
1085 hear it.
1086

1087 Mr. Archer - I'm glad you asked.
1088

1089 Mr. Jernigan - I think what I'm trying to say is, for the zoning case and everything we have
1090 now, we are trying to hold it to five or six units for maybe an average of five or six. Maybe one unit has
1091 got three and another has six.
1092

1093 Mr. Vanarsdall - At rezoning time.
1094

1095 Mr. Jernigan - Right. That's what we shoot for now.
1096

1097 Mr. Silber - Mr. Loftis, for a point of clarification, when Mr. Archer asked Ms. Goggin about
1098 the features on the side of the units facing Mechanicsville Turnpike, you said, "yes, we are agreeable to
1099 putting in more windows on that side." I think she is talking about is more than just windows, it might be
1100 bay windows, it might be doors, it might be porches. You are agreeable to what staff has recommended
1101 and these architectural designs.
1102

1103 Mr. Loftis - The only thing that we were just concerned about would be if the entry door were
1104 switched to Mechanicsville Turnpike so what that does to the interior layout of the units. We were
1105 concerned that we might have to have to look at that further. But, certainly adding windows and other
1106 architectural detail features would be agreeable.
1107

1108 Mr. Silber - You might be willing to wrap... We have some porch designs, you might be able
1109 to wrap a porch around, partially around, that side, even though the access door may not be around that
1110 side.
1111

1112 Mr. Loftis - That would be perfectly acceptable, sure.
1113

1114 Mrs. Jones - Excuse me. Are there garages on these units?
1115

1116 Mr. Loftis - No, ma'am, there are not.
1117

1118 Mr. Archer - All right, are there any further questions? Thank you, Ms. Goggin. I know you
1119 worked hard on this one. I believe we need a motion to approve the revised architectural, do we not?
1120

1121 Ms. Goggin - Yes, sir. Those came in after the deadline for new information.
1122

1123 Mr. Archer - With that, I move to approve the recently received revised architecturals.
1124

1125 Mr. Vanarsdall - Second.
1126

1127 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All in
1128 favor say aye...all opposed say nay. The motion passes.
1129

1130 The Planning Commission waived the time limits for the revised architectural for POD-5-06, St. Claire
1131 Ridge Townhomes.

1132

1133 Mr. Archer - And for the plan of development, I move approval of POD-5-06, St. Claire Ridge
1134 Townhouses, subject to the annotations on the plans, the standard conditions for developments of this
1135 type, the following additional conditions Nos. 24 through 39 and Nos. 9 and 11 amended listed in the
1136 agenda this morning.

1137

1138 Mr. Vanarsdall - Second.

1139

1140 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall. All in
1141 favor say aye...all opposed say nay. The motion passes.

1142

1143 **MR. BRANIN LEAVES DURING THIS CASE**

1144

1145 The Planning Commission approved POD-5-06, St. Claire ridge Townhomes, subject to the annotations
1146 on the plans, the standard conditions attached to these minutes for developments of this type, and the
1147 following additional conditions:

1148

1149 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for
1150 review and Planning Commission approval prior to the issuance of any occupancy permits.

1151 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions
1152 of light spread and intensity diagrams, and fixture and specifications and mounting height details
1153 shall be submitted for Department of Planning review and Planning Commission approval.

1154 24. The unit house numbers shall be visible from the parking areas and drives.

1155 25. The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional
1156 Planning District Commission and such names shall be included on the construction plans prior to
1157 their approval. The standard street name signs shall be ordered from the County and installed prior
1158 to any occupancy permit approval.

1159 26. The easements for drainage and utilities as shown on approved plans shall be granted to the
1160 County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
1161 The easement plats and any other required information shall be submitted to the County Real
1162 Property Agent at least sixty (60) days prior to requesting occupancy permits.

1163 27. The entrances and drainage facilities on Mechanicville Turnpike (U.S. Route 360) shall be
1164 approved by the Virginia Department of Transportation and the County.

1165 28. A notice of completion form, certifying that the requirements of the Virginia Department of
1166 Transportation entrances permit have been completed, shall be submitted to the Department of
1167 Planning prior to any occupancy permits being issued.

1168 29. The developer shall provide fire hydrants as required by the Department of Public Utilities and
1169 Division of Fire.

1170 30. Prior to issuance of a certificate of occupancy for any building in this development, the engineer
1171 of record shall certify that the site has been graded in accordance with the approved grading
1172 plans.

1173 31. A standard concrete sidewalk shall be provided along the east side of Mechanicville Turnpike.

1174 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form
1175 acceptable to the County Attorney prior to final approval of the construction plans.

- 1176 33. Deviations from County standards for pavement, curb or curb and gutter design shall be approved
 1177 by the County Engineer prior to final approval of the construction plans by the Department of
 1178 Public Works.
- 1179 34. The pavement shall be of an SM-2A type and shall be constructed in accordance with County
 1180 standard and specifications. The developer shall post a defect bond for all pavement with the
 1181 Department of Planning - the exact type, amount and implementation shall be determined by the
 1182 Director of Planning, to protect the interest of the members of the Homeowners Association. The
 1183 bond shall become effective as of the date that the Homeowners Association assumes
 1184 responsibility for the common areas. Prior to the issuance of the last Certificate of Occupancy, a
 1185 professional engineer must certify that the roads have been designed and constructed in
 1186 accordance with County standards.
- 1187 35. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.
- 1188 36. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
 1189 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 1190 37. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 1191 Department of Planning and approved prior to issuance of a certificate of occupancy for this
 1192 development.
- 1193 38. The location of all existing and proposed utility and mechanical equipment (including HVAC
 1194 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
 1195 identified on the landscape plans. All equipment shall be screened by such measures as
 1196 determined appropriate by the Director of Planning or the Planning Commission at the time of
 1197 plan approval.
- 1198 39. A note in bold lettering shall be provided on the erosion control plan indicating that sediment
 1199 basins or traps located within buildable areas or building pads shall be reclaimed with engineered
 1200 fill. All materials shall be deposited and compacted in accordance with the applicable sections of
 1201 the state building code and geotechnical guidelines established by the engineer. An engineer's
 1202 report certifying the suitability of the fill materials and its compaction shall be submitted for
 1203 review and approval by the Director of Planning and Director of Public Works and the Building
 1204 Official prior to the issuance of any building permit(s) on the affected sites.

1206 **PLAN OF DEVELOPMENT**

1207

1208 1209 POD-7-06 1210 Flagstop Car Wash @ Staples 1211 Mill – 8833 Staples Mill Road	Balzer & Associates, P.C. for Wawa, Inc. and The Chester Company, 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 car wash. The 0.95-acre portion of the 2.15-acre parcel is located on the east side of Staples Mill Road (U.S. Route 33) and the west side of Landmark Road on part of parcel 769-756-9510. The zoning is M-1, Light Industrial District. County water and sewer. (Brookland)
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1208

1209 Mr. Archer - Is there anyone in the audience in opposition to POD-7-06, Flagstop Car Wash @
 1210 Staples Mill, in the Brookland District? No opposition. Mr. Greulich.

1211

1212 Mr. Greulich - Good morning, Mr. Chairman, Planning Commission members. The applicant,
 1213 The Chester Company and the property owner, Wawa Inc. are proposing a single bay, automatic car wash
 1214 on a portion of the vacant parcel in-between the Wawa and the Hokie Associates building on Staples Mill
 1215 Road. They are proposing to construct the carwash, known as Flagstop Carwash, on the rear of the parcel

1216 and will occupy just under an acre of the 2.15 acre parcel. This portion of the parcel enjoys an
1217 unconditioned M-1 zoning classification, while the remaining portion towards Staples Mill Road is split
1218 B-1C and M-1C. The applicant had provided elevations and a floor plan that are in your original packet.
1219 As a side note, it should be stated that the signage shown on these elevations requires separate County
1220 review and approval. The applicant has also provided staff with a revised plan as requested that has
1221 relocated the dumpster so that it does not straddle the zoning classification lines. Finally, the applicant
1222 has adequately addressed all of the comments and concerns from the various County agencies and has
1223 agreed to add any notation as required. The revised plan can be found in the addendum packet along with
1224 a revised recommendation from staff and an additional condition numbered 35.

1225

1226 Staff can now recommend approval of the proposed plan subject to the annotations on the plan, the
1227 standard conditions for developments of this type, additional conditions 24 through 34 and additional
1228 condition 35 found in your addendum. Staff and representatives of the applicant are here to answer any
1229 questions you may have. Thank you.

1230

1231 Mr. Archer - Thank you, Mr. Greulich. Are there any questions from the Commission?

1232

1233 Mr. Vanarsdall - I would like to hear from the applicant.

1234

1235 Mr. Archer - Would the applicant come forward.

1236

1237 Mr. Schrum - Good morning. My name is Bob Schrum. Mr. Chairman, ladies and gentlemen,
1238 and Planning Commission.

1239

1240 Mr. Vanarsdall - I understand you follow Wawa as much as possible.

1241

1242 Mr. Schrum - We have developed some property with them and have a good relationship.

1243

1244 Mr. Vanarsdall - They are good tenants to have next door, aren't they?

1245

1246 Mr. Schrum - Yes, sir.

1247

1248 Mr. Vanarsdall - Do you know what you are going to do with the front side?

1249

1250 Mr. Schrum- As of yet we do not. We've had a couple of interests there, and there are a fair
1251 amount of restrictions on the property. We had Mr. Theobald chat with Mr. Glover, I believe. There is a
1252 condition that prevents a bank from being on the site. We had some interest in a bank being there, a
1253 branch bank, and so we are hopeful that we could possibly get something like that. I don't think Mr.
1254 Glover expressed an interest. I haven't had an opportunity to chat with you about that, but that would be
1255 the thought, a nice branch bank.

1256

1257 Mr. Vanarsdall - We examined the original proposal, the original one wanted to put a car wash on
1258 the front side.

1259

1260 Mr. Schrum - We would like to build a really nice place.

1261

1262 Mr. Vanarsdall - They couldn't put it there so they put it in the back side which is unconditional,
1263 thereby not developing the front side.

1264

1265 Mr. Schrum - Yes, sir.
1266

1267 Mr. Vanarsdall - This is not far from here, near Wawa.
1268

1269 Mr. Archer - Sir, I'm sorry, I didn't get your name.
1270

1271 Mr. Schrum - It's Schrum, Bob Schrum, S C H R U M.
1272

1273 Mr. Vanarsdall - Robert C. He is the president and CEO of Flagstop.
1274

1275 Mr. Schrum - I'm the head car washer.
1276

1277 Mr. Vanarsdall - Those are all of the questions that I have. Will it look like the one in Colonial
1278 Heights?
1279

1280 Mr. Schrum - Yes, sir, similar. Well, we feel like we have raised the bar as far as car care on
1281 our side of the river and we are anxious to come over to this side.
1282

1283 Mr. Vanarsdall - We really needed that. Thank you. I don't have any more questions.
1284

1285 Mr. Archer - If there are no further questions, we are ready for a motion.
1286

1287 Mr. Vanarsdall - I move that POD-7-06, Flagstop Car Wash @ Staples Mill, be approved with the
1288 standard conditions for developments of this type, additional conditions Nos. 24 through 34, No. 35 on
1289 the addendum and I want to add Nos. 9 and 11 amended.
1290

1291 Mr. Jernigan - Second.
1292

1293 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in
1294 favor say aye...all opposed say nay. The motion passes.
1295

1296 The Planning Commission approved POD-7-06, Flagstop Car Wash @ Staples Mill, subject to the
1297 standard conditions attached to these minutes for developments of this type, the annotations on the plans
1298 and the following additional conditions. Mr. Branin was absent.
1299

1300 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for
1301 review and Planning Commission approval prior to the issuance of any occupancy permits.

1302 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions
1303 of light spread and intensity diagrams, and fixture and specifications and mounting height details
1304 shall be submitted for Department of Planning review and Planning Commission approval.

1305 24. The easements for drainage and utilities as shown on approved plans shall be granted to the
1306 County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
1307 The easement plats and any other required information shall be submitted to the County Real
1308 Property Agent at least sixty (60) days prior to requesting occupancy permits.

1309 25. The developer shall provide fire hydrants as required by the Department of Public Utilities and
1310 Division of Fire.

1311 26. Outside storage shall not be permitted.
1312

- 1313 27. Prior to issuance of a building permit, the developer must furnish a letter from **Dominion Virginia Power** stating that this proposed development does not conflict with their facilities.
 1314
 1315 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
 1316
 1317 29. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
 1318
 1319
 1320 30. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.
 1321 31. Insurance Services Office (ISO) calculations must be included with the plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
 1322
 1323 32. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
 1324
 1325
 1326 33. The owner or manager on duty shall be responsible for temporarily closing the car facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility.
 1327
 1328
 1329
 1330
 1331 34. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.
 1332
 1333
 1334
 1335
 1336 35. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Department of Planning and approved prior to the issuance of a certificate of occupancy for this development.
 1337
 1338
 1339

1340 **PLAN OF DEVELOPMENT, MASTER PLAN, SPECIAL EXCEPTION &**
 1341 **~~TRANSITIONAL BUFFER DEVIATION~~**
 1342

POD-8-06 Grove Pointe Condominiums - Mechanicsville Turnpike and Neale Street	Bay Design Group, P.C. for Wilton Development Corporation: Request for approval of a plan of development, master plan, special exception and a transitional buffer deviation , as required by Chapter 24, Sections 24-2, 24-94(b), 24-106 and 24-106.2 (e) (3) of the Henrico County Code, to construct 96, three and four-story, condominium units in Phase 1 and authorize a master plan for 162 additional condominium units in Phase 2. The special exception would authorize buildings exceeding 2 1/2 stories in height. The transitional buffer deviation would authorize relocation of the required 25-foot buffer. The 15.27-acre site is located on the northwest corner of Mechanicsville Turnpike (U.S. Route 360) and Neale Street on parcels 804-737-7154, 4084, 1251(pt.) and 804-736-0481(pt.). The zoning is R-5C, General Residence District (Conditional) and B-2C, Business District (Conditional). County water and sewer. (Fairfield)
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- 1343
 1344 Mr. Archer - Is there anyone in the audience in opposition to POD-8-06, Grove Pointe
 1345 Condominiums, in the Fairfield District? No opposition. Mr. Kennedy.
 1346 Mr. Kennedy - This case has got several different parts to it, so I'm going to try to cover them.

1347 It's a plan of development and master plan for future development and special exception. The transitional
1348 buffer deviation request has been withdrawn. In the packet there is a revised elevation floorplan for the
1349 community center. The applicant actually increased the size of the community center from 1,300 square
1350 feet to 1,800 square feet. There is a community center pool that is being provided and the community
1351 center will have brick veneer, that's what's shown on the elevation. Grove Pointe is a proposed
1352 condominium community located at the northeast corner of Mechanicsville Turnpike (U.S. Route 360)
1353 and Neale Street. A total of 258 units are proposed and approximately 600 parking spaces would be
1354 provided. In addition, a 1,300 square foot community center with an outdoor pool would be constructed.

1355

1356 The subject property was zoned R-5C, General Residence District (conditional) and B-2C Neighborhood
1357 Commercial (conditional). A part of this property actually includes the neighborhood business because no
1358 business use is shown. The access for this property is actually (unintelligible) to the business that's why
1359 it is included in this plan. But the master plan does not cover the business property. They would have to
1360 come back for approval of that. The master plan does cover the second phase for the additional units.
1361 They were authorized in November of last year by zoning case number C-12C-05. The commercial
1362 portion of the property is not being developed at this time. Another POD requiring Planning Commission
1363 review and approval will be submitted at a later date to authorize development of that portion of the
1364 property.

1365

1366 The proposed development would be constructed in two phases, the first having 96 units and the second
1367 having 162 units, and the second phase would not come back to the Planning Commission. It would result
1368 in the ultimate construction of 5.62 units per acre. It is significant less than the maximum permitted. The
1369 R-5 District permits the construction of a maximum 14 multi-family dwelling units per acre.

1370

1371 Mechanicsville Turnpike is designated as a major arterial and Neale Street is designated as a minor
1372 collector on the 2010 Major thoroughfare Plan. Both would be improved with curb and gutter and
1373 sidewalks where they abut the property.

1374

1375 The plan satisfies the applicable zoning requirements and multi-family design standards. The applicable
1376 proffers including: unit size and density, buffers, architectural design, amenities, sidewalks and height;
1377 have also been satisfied. A proffered 50-foot wide landscape buffer will be provided adjacent to
1378 Mechanicsville Turnpike, Neale Street, Orchard Glen subdivision and a portion of Chickahominy
1379 National Battlefield Park, a minimum 25-foot wide landscape buffer will be provided around the balance
1380 of the property. The facades of the buildings would be approximately 50% brick.

1381

1382 Due to the severe grade of the property, the nine of the proposed buildings would be four stories in height
1383 on the downhill side and three stories in height on the uphill side the remaining eleven condominium
1384 buildings would be three stories in height. The lower floor on each four-story building would have two
1385 units and the upper three floors would have four units on each level as would each level of the three-story
1386 buildings.

1387

1388 A special exception is required to permit construction of a building in excess of 2½ stories. Due to the
1389 severe grade of the property and the significant open space maintained by the proposed plan, staff has no
1390 objection to the proposed exception request. Should the Planning Commission approve the Special
1391 Exception request, Additional Conditions Numbers 44 and 45 are recommended. Additional Condition
1392 Number 44 requires the condominium buildings to have fire sprinklers not only to cover the units
1393 themselves but the attics and all exterior porches, enclosed porches. Because of the severe topography,
1394 fire access is limited so we want to make sure that these are safe buildings. The second condition Number
1395 45 requires the condominium buildings to have high quality roof materials. The proffers actually require

1396 20-year shingles, where the condition is requesting 50-year shingles with a 110-mile per hour warranty
1397 because we don't think that people are going to want to repair those roofs. It's going to be expensive to
1398 repair those roofs because of the topography. So, we want to make sure this is a quality project and it's
1399 going to be quality for a long time. So, we feel that those are two appropriate conditions for the special
1400 exception and the applicant has agreed to those conditions.

1401

1402 A Transitional Buffer Deviation as I noted has been withdrawn. A separate motion is required for the
1403 special exception. With that, staff recommends approval subject to the conditions on the agenda.

1404

1405 Mr. Archer - Thank you, Mr. Kennedy. Are there any questions from the Commission?

1406

1407 Mr. Silber - I have a question, Mr. Archer. Perhaps Mr. Kennedy can help me with this, or
1408 the applicant. At the end of Orchard Glen Drive there is a piece of property that I believe may belong to
1409 that subdivision, I guess common area, how would that be accessed in the future, Mr. Kennedy, for this
1410 plan of development?

1411

1412 Mr. Kennedy - I believe there is some very minor frontage on Orchard Glen Drive.

1413

1414 Mr. Silber - I'm sorry?

1415

1416 Mr. Kennedy - It's got a severe topography on that parcel but I do believe it has some access on
1417 Orchard Glen Drive.

1418

1419 Mr. Silber - My recollection is that there is BMP down there and I think there is even some
1420 thought that the neighborhood might want to have some picnic shelters or some common areas, amenities
1421 that they would like to place in there. My concern is with this plan we are not going to have access to it.
1422 I don't know if it will be accessible from Orchard Glen Drive or not. There maybe some need for access
1423 across the subject property here for us to get to that common area. Perhaps the applicant can address that.

1424

1425 Mr. Kennedy - The severe topography coming from either side, it's severely (unintelligible)
1426 property. It's not very clear. On page C-3 of the plan it shows you the topography on this site and it's
1427 just kind of summarize this topography.

1428

1429 Mr. Silber - Is the topography that severe on the parcel I'm referring to.

1430

1431 Mr. Archer - Mr. Kennedy, can you point that out on the map so the other Commissioners can
1432 see it.

1433

1434 Mr. Kennedy - This is the property right here (referring to rendering on the screen).

1435

1436 Mr. Silber - Mr. Silber, another question that I have. When this plan was first proposed, I
1437 believe there were elevators in this facility.

1438

1439 Mr. Kennedy - Yes, there are elevators in each building.

1440

1441 Mr. Silber - There was some concern about the size of the elevators, making sure that they are
1442 ample size, (unintelligible) and rescue personnel, has that been addressed with the applicant?

1443

1444 Mr. Kennedy - My understanding, it has. I'll let the applicant speak to that.

1445

1446 Mr. Archer - Thank you, Mr. Kennedy. Are there any other questions? Will the applicant
1447 come forth.

1448

1449 Mr. Kukoski - Good morning, members of the Planning Commission. My name is Mark
1450 Kukoski and I'm with Wilton Development. In regard to the first part, that parcel where the hand is on
1451 now (referring to map) I believe it's the BMP for Orchard Glen. I think there is an access through
1452 Orchard Glen and it was suppose to be turned over to the homeowners association. If it hasn't, we will
1453 make sure that it has been, turned over to them. In regards to the elevators, I'll have to check with the
1454 builder, Ryan Homes, to insure that that meets all of the applicable codes for handicap and fire access.
1455 Was there another issue?

1456

1457 Mr. Silber - Those are the two that I have. I guess on the first matter, do you think there is an
1458 access through the subdivision?

1459

1460 Mr. Kukoski - It's a BMP and I thought where that stub road comes out on the, right here, I
1461 think there is a little access there. If there is not, an easement to get access right that little area, we can
1462 grant that in our subdivision for that access but it's a BMP and for them to be able to maintain that BMP I
1463 think there would have to be an access, but I'll go back to make sure of that.

1464

1465 Mr. Silber - Who developed Orchard Glen?

1466

1467 Mr. Kukoski - Wilton did.

1468

1469 Mr. Silber - Okay. So, I think there is some obligation here (unintelligible)

1470

1471 Mr. Kukoski - There obviously is. If there isn't an easement we will have one on this property
1472 for Orchard Glen to get back there.

1473

1474 Mrs. O'Bannon - That's going to be in writing?

1475

1476 Mr. Silber - It might be appropriate to have a condition placed on this plan of development
1477 that if there is not adequate access to get to that BMP and that common area that it would be provided by
1478 the developer of this R-5 property.

1479

1480 Mrs. O'Bannon - So, are you recommending that?

1481

1482 Mr. Silber - Yes, I think we should have that added at today's Commission.

1483

1484 Mr. Archer - I agree, Mr. Secretary.

1485

1486 Mr. Kukoski - We'll be glad to do that.

1487

1488 Mr. Archer - Is that agreeable to you?

1489

1490 Mr. Kukoski - Yes.

1491

1492 Mr. Silber - And in regards to elevators, did this come up before with some of our Fire
1493 personnel, and they were concerned about the size of the elevators.

1494
1495 Mr. Kukoski - Again, I represent the developer and that's what the builder... I would have to
1496 check with Ryan Homes. I'm sure they will comply to all of the national codes in that regard.
1497
1498 Mr. Kennedy - The elevators are seven-feet wide.
1499
1500 Mr. Kukoski - So, that would accommodate a stretcher.
1501
1502 Mr. Silber - I don't know if that is adequate. They wanted to have room for a stretcher and
1503 two personnel people in the elevators. Perhaps we can add a condition that says, "Elevators would be of
1504 adequate size and as approved by the Division of Fire.
1505
1506 Mr. Kukoski - That's a little bit of an open requirement, but could we just have it comply with
1507 all national codes?
1508
1509 Mr. Archer - Well the national codes sometimes is not sufficient. Does anybody know what
1510 the proper size is or the size we would like to see? Is there anyone here from Fire?
1511
1512 Mr. Kennedy - No.
1513
1514 Mr. Silber - I don't know the size.
1515
1516 Mr. Kukoski - (Unintelligible)
1517
1518 Mr. Silber - Seven feet by five feet?
1519
1520 Mr. Vanarsdall - Do you want to hold this until we can get somebody from Fire.
1521
1522 Mr. Silber - Pass it by and perhaps we can contact somebody Fire and come back to it? That's
1523 a good thought, Mr. Vanarsdall.
1524
1525 Mr. Jernigan - What did you say? Seven feet is pretty reasonable because stretchers aren't quite
1526 that large.
1527
1528 Mr. Kukoski - I would think that a stretcher is six foot.
1529
1530 Mr. Silber - Well a stretcher is six feet so there might be room for one person to stand on one
1531 end.
1532
1533 Mrs. Jones - They have to deliver it in and out (unintelligible).
1534
1535 Mr. Kukoski - For argument sake, if it is seven by seven, if you put the stretcher on a diagonal,
1536 one person could be on either side of that diagonal.
1537
1538 Mrs. O'Bannon - Stretchers are larger than six feet.
1539 Mr. Kukoski - Are they?
1540
1541 Mrs. O'Bannon - You are taller than six feet (unintelligible). That's a good question.
1542

1543 Mr. Silber - I don't want to belabor this one because it somewhat technical, but it was
1544 something that came up by the Division of Fire, specifically, was a concern of theirs that there are
1545 elevators that are put in multi-family housing situations that are not adequate. In some cases, they have
1546 concern with personnel being in there with a stretcher and sometimes there is not room in there to get
1547 personnel in there with a stretcher. So, therefore, they have to carry people down through the stairs. That
1548 is a concern they brought up and I understand that Wilton, the developer of the property, he can comment
1549 to the builder that that is a concern to the administration.

1550

1551 Mr. Archer - Can we just table this for a little while, why we find the answer to that?

1552

1553 Mr. Vanarsdall - That's what I would do if I were you.

1554

1555 Mr. Archer - I would like to know before we move on, to be honest with you. While we are
1556 doing that, are there any questions on the rest of this? We can solve it with one issue, one shot, once we
1557 find out. Are there any other questions for the applicant from the Commission? We have had numerous
1558 neighborhood meetings on this for the past 10 years, I guess, before we finally came up with something
1559 that we think would work in this particular area. Neighbors have shown up here and brought opposition
1560 on several cases, that this has come up, and I think we finally gotten to a point where it's something
1561 workable and the neighborhood has approve it. Our last meeting was about a week and a half ago. And
1562 with the exception of what's going on about the question with the elevator, I think we are at a point where
1563 it can be recommended but we will get back to this in hopefully just a few minutes. But in the meantime,
1564 should we take a break or go on to the next case?

1565

1566 Mrs. Jones - And then the access to the BMP.

1567

1568 Mr. Archer - Yes, that is going to be made a condition. Why don't we take a five-minute
1569 recess and then we will get this resolved.

1570

1571 **THE PLANNING COMMISSION TOOK A RECESS AT THIS TIME AND THEN**

1572 **RECONVENED.**

1573

1574 Mr. Archer - The Planning Commission will now reconvene. Mr. Silber.

1575

1576 Mr. Silber - POD-8-06, Grove Pointe Condominiums. We wanted to check on and item
1577 related to the elevator size. Staff has checked with the Division of Fire, the stretcher size is 24 inches by
1578 72 inches. The elevator is proposed on spaces 7 feet by 5 feet. The Division of Fire personnel said that
1579 the elevator size is adequate and it could hold the stretcher and personnel. So, that no longer is an issue.
1580 We do have a recommended condition to deal with the access to the BMP and common area to the
1581 subdivision Orchard Glen. A quick draft I have to read which would be Condition No. 46, "If adequate
1582 access to Orchard Glen Subdivision common area is not available to the subdivision, then access
1583 easement shall be provided by the developer of Grove Pointe Condominiums."

1584

1585 Mr. Archer - Is that acceptable, gentlemen, as Condition No. 46?

1586

1587 Mr. Kukoski - That would be acceptable.

1588 Mr. Archer - All right. Anymore questions.

1589

1590 Mr. Vanarsdall - What were you reading?

1591

1592 Mr. Jernigan - He put in a new condition.
1593
1594 Mr. Silber - I just drafted Condition No. 46.
1595
1596 Mr. Vanarsdall - Okay.
1597
1598 Mr. Archer - All right, then I have a couple of motions to make. The first one would be for the
1599 special exception, and I move that the special exception be granted.
1600
1601 Mr. Vanarsdall - Second.
1602
1603 Mr. Archer - Motion by Archer and second by Mr. Vanarsdall. All in favor say aye. All
1604 opposed say no. The ayes have it. The special exception is approved.
1605 And, with that I move for approval of the plan of development, Master Plan for POD-8-06, Grove Pointe
1606 Condominiums, subject to the standard conditions for developments of this type, annotations on the plan.
1607 Do we have a revised any thing, Mr. Kennedy?
1608
1609 Mr. Kennedy - A revised floor plan and architecturals for the community center.
1610
1611 Mr. Archer - Revised floor plans, revised architecturals for the size of community center,
1612 deletion of the transitional buffer deviation and conditions Nos. 9 and 11 Amended and Nos. 24 through
1613 45 with an additional condition No. 46 being added today.
1614
1615 Mr. Vanarsdall - Second.
1616
1617 Mr. Archer - Motion by Archer and second by Mr. Vanarsdall. All in favor of the motion say
1618 aye. All opposed say no. The ayes have it. The motion passes.
1619
1620 The Planning Commission approved the Master Plan for POD-8-06, Grove Point Condominiums –
1621 Mechanicsville Turnpike and Neale Street, subject to the standard conditions attached to these minutes for
1622 developments of this type, the annotations on the plan, revised floor plan, revised architecturals, deletion
1623 of the transitional buffer deviation and the following additional conditions. Mr. Branin was absent.
1624
1625 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for
1626 review and Planning Commission approval prior to the issuance of any occupancy permits.
1627 11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site
1628 lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture
1629 specifications and mounting height details shall be submitted for the Department of Planning
1630 review and Planning Commission approval.
1631 24. The right-of-way for widening of Mechanicsville Turnpike as shown on approved plans shall be
1632 dedicated to the County prior to any occupancy permits being issued. The right-of-way
1633 dedication plat and any other required information shall be submitted to the County Real Property
1634 Agent at least sixty (60) days prior to requesting occupancy permits.
1635 25. The easements for drainage and utilities as shown on approved plans shall be granted to the
1636 County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
1637 The easement plats and any other required information shall be submitted to the County Real
1638 Property Agent at least sixty (60) days prior to requesting occupancy permits.
1639 26. The entrances and drainage facilities on Mechanicsville Turnpike (U.S. Route 360) shall be

- 1640 approved by the Virginia Department of Transportation and the County.
- 1641 27. A notice of completion form, certifying that the requirements of the Virginia Department of
1642 Transportation entrances permit have been completed, shall be submitted to the Department of
1643 Planning prior to any occupancy permits being issued.
- 1644 28. The developer shall provide fire hydrants as required by the Department of Public Utilities and
1645 Division of Fire.
- 1646 29. Prior to issuance of a certificate of occupancy for any building in this development, the engineer
1647 of record shall certify that the site has been graded in accordance with the approved grading
1648 plans.
- 1649 30. A standard concrete sidewalk shall be provided along the east and north side of Neale Street.
- 1650 31. The proffers approved as a part of zoning case C-12C-05 shall be incorporated in this approval.
- 1651 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form
1652 acceptable to the County Attorney prior to final approval of the construction plans.
- 1653 33. Deviations from County standards for pavement, curb or curb and gutter design shall be approved
1654 by the County Engineer prior to final approval of the construction plans by the Department of
1655 Public Works.
- 1656 34. The pavement shall be of an SM-2A type and shall be constructed in accordance with County
1657 standard and specifications. The developer shall post a defect bond for all pavement with the
1658 Department of Planning - the exact type, amount and implementation shall be determined by the
1659 Director of Planning, to protect the interest of the members of the Homeowners Association. The
1660 bond shall become effective as of the date that the Homeowners Association assumes
1661 responsibility for the common areas. Prior to the issuance of the last Certificate of Occupancy, a
1662 professional engineer must certify that the roads have been designed and constructed in
1663 accordance with County standards.
- 1664 35. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
1665 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 1666 36. Approval of the construction plans by the Department of Public Works does not establish the curb
1667 and gutter elevations along the Henrico County maintained right-of-way. The elevations will be
1668 set by Henrico County.
- 1669 37. Approval of the construction plans by the Department of Public Works does not establish the curb
1670 and gutter elevations along the Virginia Department of Transportation maintained right-of-way.
1671 The elevations will be set by the contractor and approved by the Virginia Department of
1672 Transportation.
- 1673 38. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1674 Department of Planning and approved prior to issuance of a certificate of occupancy for this
1675 development.
- 1676 39. The conceptual master plan, as submitted with this application, is for planning and information
1677 purposes only. All subsequent detailed plans of development and construction plans needed to
1678 implement this conceptual plan may be administratively reviewed and approved and shall be
1679 subject to all regulations in effect at the time such subsequent plans are submitted for
1680 review/approval.
- 1681 40. The location of all existing and proposed utility and mechanical equipment (including HVAC
1682 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
1683 identified on the landscape plans. All equipment shall be screened by such measures as
1684 determined appropriate by the Director of Planning or the Planning Commission at the time of
1685 plan approval.
- 1686 41. A note in bold lettering shall be provided on the erosion control plan indicating that sediment
1687 basins or traps located within buildable areas or building pads shall be reclaimed with engineered

1688 fill. All materials shall be deposited and compacted in accordance with the applicable sections of
1689 the state building code and geotechnical guidelines established by the engineer. An engineer's
1690 report certifying the suitability of the fill materials and its compaction shall be submitted for
1691 review and approval by the Director of Planning and Director of Public Works and the Building
1692 Official prior to the issuance of any building permit(s) on the affected sites.
1693 42. The unit house numbers shall be visible from the parking areas and drives.
1694 43. The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional
1695 Planning District Commission and such names shall be included on the construction plans prior to
1696 their approval. The standard street name signs shall be ordered from the County and installed prior
1697 to any occupancy permit approval.
1698 44. All residential buildings shall have fire sprinkler systems covering all areas including attics and
1699 porches, in accordance with the requirements of the Fire Marshall.
1700 45. All residential building roofs shall be finished with shingles having a 50-year and 110-MPH
1701 warranty.
1702 46. If adequate access to Orchard Glen subdivision common area is not available through the
1703 subdivision, then an access easement shall be provided by the developer of Grove Pointe
1704 Condominiums.
1705

1706 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1707

POD-10-06 **Timmons Group for Audubon Land LLC and Shamin Hotels:**
International Airport Centre – Request for approval of a plan of development and special exception
Hilton and Holiday Inn Hotels – for height, as required by Chapter 24, Sections 24-2, 24-94(b) and 24-
International Centre Drive 106 of the Henrico County Code, to construct a 130-room, five-story,
hotel and a 147-room, five-story, hotel with conference center. The
8.99-acre site is located on the eastern side of International Centre
Drive, approximately 1,000 feet north of Audubon Drive, on parcels
822-717-4473 and 822-717-4415 (pt.). The zoning is M-1, Light
Industrial District and ASO (Airport Safety Overlay) District.
County water and sewer. **(Varina)**

1708

1709 Mr. Archer - Is there any opposition to this plan of development, POD-10-06, in the Varina
1710 District? No opposition. Mr. McGarry, good morning.

1711

1712 Mr. McGarry - Good morning. The revised plan has been received and is currently being handed
1713 out. Approval is for two five-story hotels, one with a conference center. There will need to be three
1714 motions, one for transitional buffer deviation, the second for special exception for height and the third
1715 will be for the plan of development itself.

1716

1717 The review of this revised plan is complete and the basic changes include a transitional buffer of 10 feet
1718 that has been expanded to 30 feet, but it is still not the full 50, as required.

1719

1720 The special exception is for height. The Hilton is about 12 feet above the 45 foot-height limit by the
1721 Code and the Holiday Inn is about 14 feet above the 45 foot limit.

1722 The Traffic Engineer has reviewed the site and plans for changes he requested and he is satisfied they
1723 have all been made. The staff can recommend approval of the site plan. It is the applicant's
1724 responsibility to present the case for the transitional buffer deviation and the special exception for height.

1725

1726 With that, staff can recommend approval for the plan of development, subject to the standard conditions
1727 for developments of this type, and the following conditions No. 24 through 33. I'd be happy to answer
1728 any questions.

1729

1730 Mr. Archer - Are there questions by the Planning Commission?

1731

1732 Mr. Silber - This does include a special exception and a transitional buffer deviation?

1733

1734 Mr. McGarry - That is correct.

1735

1736 Mr. Silber - Has the transitional buffer deviation been advertised?

1737

1738 Mr. Jernigan - It would have been advertised with the case. What happened was they originally
1739 had the 10 feet and now it is 30 feet. It was in the original case. So, when the original case was
1740 advertised, the original drawings came in and it was a 10-foot transitional buffer and that wouldn't work,
1741 and now it is 30 feet. When the case was advertised, the transitional buffer should have been in the
1742 original advertisement.

1743

1744 Mr. Silber - They are now showing 30 feet and there is no need for a transitional buffer
1745 deviation.

1746

1747 Mr. Jernigan - It is supposed to be 50.

1748

1749 Mr. McGarry - You get a 30-foot transitional buffer with a 10-foot masonry wall. That allows
1750 you to reduce it from 50 to 30. They would like not to include a masonry wall on that location.

1751

1752 Mr. Silber - Then a transitional buffer deviation is required.

1753

1754 Mr. Jernigan - Yes. It is supposed to be 50.

1755

1756 Mr. McGarry - The request came in with the revised plan last Thursday.

1757

1758 Mr. Silber - I need clarification from staff. What I understand is that if there is a transitional
1759 buffer deviation, it should have been in the description, it should have been in the notice letters going out
1760 to adjacent property owners. If this request just came in and hasn't gone out to the property owners, then
1761 my question is has proper notification been given.

1762

1763 Mr. McGarry - No.

1764

1765 Mr. Jernigan - Wait a minute. The transitional buffer deviation was in the original case, 10 feet.

1766

1767 Mr. McGarry - It was not a formal written request. That is what was shown on the site plan. We
1768 told them we could not accept that. It was not advertised with it.

1769

1770 Mrs. O'Bannon - Ted, can I ask you a quick question. Is one hotel four stories and one five stories?

1771

1772 Mr. McGarry - Both of these are supposed to be five stories. The caption reads two (2) five-
1773 story hotels.

1774

1775 Mr. Jernigan - While we are talking now, are we clear for the conference center parking?
1776

1777 Mr. McGarry - Yes. I have since found out that there is an interpretation of how we are now
1778 handling the parking requirements included with hotels, and based on that calculation, they now meet the
1779 requirements for parking as our current experience with it.
1780

1781 Mr. Silber - Staff is researching the Code to see if there is an administrative way of handling
1782 the deviations.
1783

1784 Mr. Jernigan - I would assume that it was advertised originally, because when Ted and I
1785 discussed it, it was only 10 feet and he said we needed a transitional buffer deviation and I said, "That's
1786 not enough, 10 is not enough." I didn't know it wasn't advertised, because it was in the original case.
1787

1788 Mr. McGarry - Mr. Silber, Kevin just pointed out to me that he believes the Code allows for the
1789 Director of Planning to also approve a transitional buffer deviation. That is why it was not tried...
1790

1791 Mr. Jernigan - Why don't we just let him go on and then we will get back to the deviation
1792 question.
1793

1794 Mr. Archer - Do you have any more presentation, Mr. McGarry?
1795

1796 Mr. McGarry - I have finished. We can now hear from the applicant for the special exception.
1797

1798 Mr. Archer - Will the applicant come forward.
1799

1800 Mr. Early - Good morning. My name is Chris Early. I am with the Timmons Group. I am
1801 the project manager. We are the civil engineering firm on this project, and would you like me to just talk
1802 about the height first, since you are still working on the transitional buffer thing? OK. A couple of points
1803 I want to make about the project. Shamin Hotels, PC, this is a very high end project in terms of what they
1804 want this to be a signature sight with a conference center with the Holiday Inn piece, a bigger hotel,
1805 which is, I think, a real good amenity for the County. It is not a Red Roof Inn on the side of the road. It
1806 is a very impressive development with nice landscaping, etc. So, I just think that is an important point to
1807 make. With the height exception, we got FAA approval for the height, just so you would know, this is
1808 right across from the airport, that's an important component here. They have approved both hotels to not
1809 be in any conflict with their views on planes and that type of thing, which is rather important. The
1810 Wingate Inn that is closer to Laburnum is also.... It is a four-story hotel, it's one story shorter than these,
1811 but that still does not meet the 45-foot requirement. So, the existing hotel that is actually closer to the
1812 more traveled way is already above the height restriction.
1813

1814 Also, Mr. Amin's, company owns the Wingate property. So, this is for an extension for kind of a nicer,
1815 further development of the area on the same character that it already is. The height restriction does not
1816 really work well with two hotels that are trying to get a certain amount of people to support the
1817 conference center and for the development in the area. The hotels in the area across the street are also...
1818 There is a six-story hotel, I think, really fairly close to the road across the street. So, again, having met
1819 the FAA approval process, having a hotel already there, that is above the height restriction, we are not in
1820 the neighborhood. You are not next to any type of business that this should impact, it's the type of
1821 business that in my opinion belongs next to an airport. And, if this isn't in character, there is a Garden
1822 Center store right down the road. The adjacent property is all commercial/industrial. So, we are not
1823 sticking the wrong kind of building in the middle of somebody's neighborhood. So, that is our position

1824 on this and we respectfully ask that we get the exemption. Are there any questions on that?

1825

1826 Mr. Archer - Thank you, Mr. Early. Are there any questions for Mr. Early by the
1827 Commission?

1828

1829 Mrs. O'Bannon - I just have a quick question. The conference center, I see you have about 300
1830 and some odd spaces. How many people will the conference center accommodate?

1831

1832 Mr. Early - We do have additional parking. What is the total number for the conference
1833 center (his questions is being referred to someone in the audience)?

1834

1835 Mr. Amin - Five hundred.

1836

1837 Mr. Early - Five hundred.

1838

1839 Mrs. O'Bannon - You can seat 500 (unintelligible).

1840

1841 Mr. Early - So, it's a major.... And, again, we use the calculation, we do have, at this point,
1842 with the buffer we have, we are proposing, we have additional parking in case there is some kind of
1843 overflow, which I understand your concern.

1844

1845 Mr. Jernigan - Mrs. O'Bannon, I asked Ted the same thing because I knew the conference
1846 center, there is a different calculation for hotel rooms and the conference center but he said we are in
1847 compliance.

1848

1849 Mr. Early - If you like, I can talk about the transitional buffer from our prospective, if you
1850 are ready for that.

1851

1852 Mr. O'Kelly - (Unintelligible).

1853

1854 Mr. Early - So, we don't need to talk about it? Okay.

1855

1856 Mrs. Jones - Did you say that 30 feet will provide visual separation and....

1857

1858 Mr. Jernigan - It calls for 50 feet.

1859

1860 Mrs. Jones - Right.

1861

1862 Mr. Jernigan - And you can reduce that by 20 feet by putting up a masonry wall. But, for the
1863 aesthetics of that area, and that hotel, I don't know that a wall would look good there.

1864

1865 Mrs. Jones - And I agree. And the reason behind the request to not have 50 feet is?

1866

1867 Mr. Early - The primary reason, okay, is that what that does for us, two things. It allows the
1868 additional parking for the conference center to be comfortably put in the hotel. If we have to move
1869 everything back to the 50 feet, okay, absolute maximum, one we would have a wooded transitional buffer
1870 to began with, which is already there. And it really puts a hurt on ability to make that conference room
1871 really work because we are barely, we may not even quite meet the parking requirements for that which
1872 goes back to the previous question. And, so, in the sense that the area itself, the fact that we would have a

1873 good wooded buffer, we are right at the border where we would be required to do it because we are a little
1874 bit away from the interstate. We feel like it is a reasonable request to allow us to do the right thing with
1875 the conference in the hotel. And, that's the biggest reason we ask for the exemption. The masonry wall
1876 part just doesn't fit with anything out there and it's very expensive and would just be an odd duck when
1877 we've got woods. We hope that the hotels are something people see and want to spend money in and visit
1878 the County. So, that's sort of the basic reasons.

1879

1880 Mr. Silber - Mrs. Jones, one of the challenges is that in the zoning ordinance there are
1881 transitional buffer requirements that exists between certain zoning classifications. In this case, the zoning
1882 classification is M-1 as adjacent to A-1. In a typical situation, if this was adjacent to an A-1 subdivision
1883 we would want to maintain that 50 feet, transitional buffer separation. In this case the interstate highway
1884 is zoned A-1. So, what we have been allowing is in cases where this transitional buffer is adjacent to the
1885 interstate highway, we still want to have some buffer so that we have our interstate basically treed and
1886 lined and look nice, but we really don't believe in this case that the full dimension is necessary, nor do we
1887 believe a wall would be appropriate. So, we are comfortable with the reduction to 30 feet. I believe you
1888 are committing to 30 feet.

1889

1890 Mr. Early - Yes.

1891

1892 Mr. Silber - Although, some of the latest plans still show 10 feet but staff believes....

1893

1894 Mr. Early - I apologize for that because we have actually changed our layout to reflect the
1895 new buffer. We have given up on that. We would not....

1896

1897 Mr. Silber - It remains at 30 feet. We have researched the code and the code does provide the
1898 Director of Planning or the Planning Commission to provide modification to the minimum transitional
1899 buffer requirements. So, I can administratively grant that. The Planning Commission probably shouldn't
1900 act on that since it hasn't been properly notified. So, I am willing to commit to that. The endorsement of
1901 the Planning Commission would make me feel even better but 30 feet I think is more than adequate
1902 adjacent to the interstate in this case. And, it is very consistent with what we have been getting along the
1903 interstate.

1904

1905 Mr. Jernigan - If you don't want a motion on the terms of the transitional buffer deviation, I
1906 would stop. And it's in the agenda. It says, "Screen G permits a reduction to 30 feet."

1907

1908 Mr. Early - And, again, we have changed our plans to match this. We realize we can't do the
1909 10 feet. We have no intention to do that.

1910

1911 Mr. Archer - All right. Is the Commission agreeable to granting that authority to the
1912 Secretary?

1913

1914 Mr. Jernigan - Do we need a motion for that?

1915

1916 Mr. Archer - I don't think we need a motion.

1917

1918 Mr. Silber - We will need a motion on the special exception for the height and the plan of
1919 development.

1920

1921 Mr. Jernigan - Do we have any opposition?

1922

1923 Mr. Archer - No opposition.

1924

1925 Mr. Jernigan - I'm ready to make a motion. First of all I will move for the special exception on
1926 five-story buildings, exceeding the code.

1927

1928 Mr. Vanarsdall - Second.

1929

1930 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall for the
1931 special exception for height. All in favor say aye...all opposed say nay. The motion passes.

1932

1933 Mr. Jernigan - And, Mr. Chairman, I will move for approval of POD-10-06, International
1934 Airport Center – the Hilton and Holiday Inn Hotels at International Centre Drive, subject to the standard
1935 conditions for developments of this type, and the following additional conditions Nos. 24 through 33.

1936

1937 Mr. Vanarsdall - Second.

1938

1939 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
1940 favor say aye...all opposed say nay. The motion passes.

1941

1942 Mr. Jernigan - I do have one question. Most of these hotels are owned by Mr. Patel, how did
1943 Mr. Shamin slide in?

1944

1945 Mr. Early - He's very smart.

1946

1947 The Planning Commission approved POD-10-06, International Airport Centre – Hilton and Holiday Inn
1948 Hotels, subject to the standard conditions attached to these minutes, the annotations on the plans, and the
1949 following additional conditions. Mr. Branin was absent.

1950

1951 24. The developer shall provide fire hydrants as required by the Department of Public Utilities and
1952 Division of Fire.

1953 25. The developer shall install an adequate restaurant ventilating and exhaust system to minimize
1954 smoke, odors, and grease vapors. The plans and specifications shall be included with the building
1955 permit application for review and approval. If, in the opinion of the County, the type system
1956 provided is not effective, the Commission retains the rights to review and direct the type of
1957 system to be used.

1958 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form
1959 acceptable to the County Attorney prior to final approval of the construction plans.

1960 27. Deviations from County standards for pavement, curb or curb and gutter design shall be approved
1961 by the County Engineer prior to final approval of the construction plans by the Department of
1962 Public Works.

- 1963 28. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
 1964 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 1965 29. Approval of the construction plans by the Department of Public Works does not establish the curb
 1966 and gutter elevations along the Henrico County maintained right-of-way. The elevations will be
 1967 set by Henrico County.
- 1968 30. The location of all existing and proposed utility and mechanical equipment (including HVAC
 1969 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
 1970 identified on the landscape plans. All equipment shall be screened by such measures as
 1971 determined appropriate by the Director of Planning or the Planning Commission at the time of
 1972 plan approval.
- 1973 31. Provide a letter which demonstrates the hotel owner's experience that the 8% parking reduction
 1974 from the required Code would not create a parking problem.
- 1975 32. There shall be no exterior signage or other means of advertising that identifies the presence of
 1976 food service at these facilities.
- 1977 33. Federal Aviation Administration (FAA), Form 7460-1 shall be submitted to the FAA and proof of
 1978 such approval shall be provided to the Planning Department prior to approval of any building
 1979 permit application.
- 1980

1981 **SUBDIVISION RECONSIDERATION**

1982

Hunters Knoll
 (December 2004 Plan)
 Bradbury Road

Foster & Miller, P.C. for Hillfam, LLC and WWLP Development LLC: The 58.0-acre site proposed for a subdivision of 27-single-family homes is located along the east line of Bradbury Road, approximately 0.8 miles south of Darbytown Road on parcels 838-685-7540 and 640-688-2264. The zoning is A-1, Agricultural District. Individual well and septic/tank drainfield. **(Varina) 27 Lots**

1983

1984 Mr. Archer - Is there anyone in the audience in opposition to subdivision Hunters Knoll in the
 1985 Varina District? No opposition. Mr. Wilhite.

1986

1987 Mr. Wilhite - Thank you, Mr. Chairman. This is a reconsideration of a plan approved back in
 1988 December 2004 for Hunters Knoll subdivision. Since that time, final subdivision application has been
 1989 submitted to the County and it was noted that the plan had deviated from what was provided to the
 1990 Planning Commission back at that time. If you look at the cover map, there was a parcel, shaded in green
 1991 there, that's been removed from the proposed subdivision due to the fact that there has been some
 1992 dumping on the site and there is some bad soils and the developer does not wish to develop this parcel. In
 1993 and of itself, the staff would not have a problem with that being removed. However, the subdivision
 1994 layout also shows that the road system has been altered.

1995

1996 On the plan included in your packet, the original location of the road, coming in off of Bradbury, with the
 1997 development of that parcel to the north, is sketched out so that you can see the original layout that was
 1998 approved. Due to wetlands impacts on the site, the development of the road, as approved under the
 1999 Planning Commission, would probably put them over the threshold of one acre and affects the Army
 2000 CORPS permits for wetlands disturbance. Therefore, the applicant has come in with a new road layout to
 2001 show less wetlands impacts than would originally be needed.

2002

2003 However, the relocation of the road does affect three parcels. Access to the parcel that was originally
 2004 proposed to develop has been removed. It also impacts the parcel that is located right along Bradbury

2005 Road to the north by pulling the road off that property line and also with the parcel that's being taking out
2006 there was a stub street proposed through that to go to a larger parcel to the north.

2007

2008 With the request for the change to the layout, staff was looking at surrounding properties to see if there
2009 were potential stub connections to try to lessen the impact that this relocation would cause. Due to the fact
2010 that any stubs running to adjacent properties would increase the amount of wetlands impacts, staff has
2011 decided not to recommend any changes to the layout as proposed. There appears to be better potential for
2012 stub connections to this larger parcel from property to the north. Therefore, staff at this point, would
2013 recommend approval of the realignment as shown.

2014

2015 Mr. Archer - Thank you, Mr. Wilhite. Are there questions of Mr. Wilhite from the
2016 Commission?

2017

2018 Mr. Jernigan - Kevin, do we have to have a separate motion for the distance (unintelligible).

2019

2020 Mr. Wilhite - Yes, sir. I'm sorry. Because of the removal of that parcel with the stub street,
2021 the entrance road coming up off Bradbury is greater than 1,320 feet; it's approximately 1,650. So, you
2022 would have to approve that specifically. I don't think that's required to be a separate motion. You can
2023 make it a part of your overall motion.

2024

2025 Mr. Archer - Do you need to speak to the applicant?

2026

2027 Mr. Jernigan - No. We've been over this thing quite a few times. This was an approved
2028 subdivision it just had to come back for the road changes, and Kevin and I have discussed it quite a bit.
2029 He's okay with it, so I'm okay with it.

2030

2031 Mrs. Jones - Can I just ask, for clarification. The parcel that is now being taking out of the
2032 subdivision is it owned by the same owner and will it remain just as it or....

2033

2034 Mr. Jernigan - It had some contamination on it.

2035

2036 Mrs. Jones - So, it will remain as is?

2037

2038 Mr. Jernigan - That, plus it had a lot of old tires and everything sitting there.

2039

2040 Mr. Mistr - Spud Mistr with Foster & Miller, the engineer. That parcel is owned by the
2041 Deaton Land Trust. It's been a tire dump for a long time. There are trees 12 inches in diameter growing
2042 up through tires. We needed to clear the site in order to sell lot. We are working with DEQ to get it
2043 cleared. And at one point, they wanted to know if we wanted that to get into the subdivision, it's about a
2044 third of wetlands and the six acres and we couldn't get any drain field sites on it. It's wasn't good for
2045 development but it is going to be cleaned up because of this development, but they are going to retain
2046 ownership to it.

2047

2048 Mrs. Jones - So, it won't be associated with the subdivision at all?

2049

2050 Mr. Mistr - No, ma'am.

2051

2052 Mrs. Jones - Thank you.

2053

2054 Mr. Jernigan - Okay, Mr. Chairman, I'm ready to make a motion if there are no more questions.
2055

2056 Mr. Archer - Go right ahead, sir.
2057

2058 Mr. Jernigan - With that I will move for approval of the subdivision reconsideration, including
2059 the 1,320 foot distance on the road on Hunters Knoll (December 2004 Plan).
2060

2061 Mr. Vanarsdall - Second.
2062

2063 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
2064 favor say aye...all opposed say nay. The motion passes.
2065

2066 The Planning Commission approved the reconsideration for subdivision Hunters Knoll (December 2004
2067 Plan) subject to the standard conditions, annotations on the plan and the additional conditions previously
2068 approved. Mr. Branin was absent.
2069

2070 Mr. Silber - Next on the agenda is consideration of a Substantial In Accord Study. This is for
2071 a radio transmission tower that is proposed. You have been provided a staff report and (unintelligible) of
2072 this location and propose design. This is a County facility. You may recall that other communication
2073 towers do not require substantial in accord and do not come through the Planning Commission but
2074 because this is a public facility, similar to a library or a fire station or school site, where by you would
2075 consider a substantial in accord this will be a County operated and owned radio tower. This is a public
2076 facility and does require consideration of a substantial in accord. We do have with us today the Director
2077 of the County's Public Relations and Media Services, Tamra McKinney. She has with her consultants
2078 from ICC Consulting Inc. that are available to answer any questions if the Commission have questions of
2079 them relative to this request. The Planning Commission will be making a recommendation on this
2080 substantial in accord. The Board of Supervisors will be having their hearing and will make final
2081 determination and then the applicant will be required to or the County will be required to file a
2082 (unintelligible) use permit, you will be seeing this a second time when a final use permit is filed ordered
2083 by the Commission and the Board of Supervisors. So, with that, Mr. Tyson is here to present the
2084 substantial in accord.
2085

2086 **RESOLUTION: SIA-01-06 – Media Services Site – Substantially In Accord with the County**
2087 **Comprehensive Plan (Brookland District) (Staff Report by Lee Tyson)**
2088

2089 Mr. Tyson - Good morning, everyone. Henrico County proposes to construct a 350-foot high,
2090 self-supporting, three-leg lattice-style radio transmission tower to supplement the existing antenna used
2091 by WHCE – FM 91.1, which is located at Highland Springs High School Technical Center and which will
2092 remain in use should the new transmission tower be constructed. The station is operated by students and
2093 currently transmits through a 100-foot high antenna mounted atop a building at the school. The existing
2094 radio signal does not reach the western part of the County, and improvements to the station's transmitter
2095 would be made in addition to the new transmission tower.
2096

2097 The proposed completion date for this structure is July 2006.
2098

2099 The proposed site, Parcel 776-737-9397, is located in the Brookland Magisterial District at the northeast
2100 intersection of Westmoreland Street and Par Streets (2001 Par Street). The total area of the subject site is
2101 approximately 1.27 acres.
2102

2103 The County Zoning Ordinance permits communication towers up to 100 feet in height as a use by right.
2104 A provisional use permit must be approved for communication towers exceeding the 100-foot height
2105 limit. As with other tower facilities, the proposed tower will be required to meet Federal Communication
2106 Commission (FCC) and Federal Aviation Administration (FAA) regulations.

2107

2108 The proposed site is zoned M-2 General Industrial District and is surrounded by M-2 Districts with the
2109 exception of a M-1 Light Industrial District to the west side. Communications towers exceeding 100 feet
2110 in height in industrial zoning districts require a provisional use permit. In the M-2 District, the required
2111 setback is 50 feet from any property line. It appears the proposed development will meet this
2112 requirement.

2113

2114 A Plan of Development (POD-147-85) was approved for the parking lot use for the previous owner,
2115 Circuit City Stores, Inc. However, records do not indicate the parking is needed by any existing adjacent
2116 uses to meet minimum parking requirements.

2117

2118 There are a number of residential subdivisions and commercial development within one mile of the
2119 proposed tower site in the County and in the City of Richmond. The residential subdivisions include
2120 Westbourne, Mayfield, Kildare, Shenandoah Place and North Willow Lawn. The commercial areas are
2121 primarily along W. Broad Street (U. S. Route 250) and Willow Lawn Shopping Center. The "Mayfield"
2122 neighborhood is the closest residential development and is approximately 2000' feet from the proposed
2123 site.

2124

2125 The proposed site is nearly rectangular in shape and is developed as a parking lot. The Department of
2126 Public Utilities indicates there are no County water or sewer lines on the proposed site and the proposed
2127 tower development will not require these utilities.

2128

2129 There are no environmental issues noted with the proposed site. The topography on the site, as well as
2130 the surrounding area, is flat. There should be no grading required with the proposed development.

2131

2132 The Planning Department has determined that the proposed radio tower does not interfere with the
2133 County's Microwave Communication Paths.

2134

2135 The 2010 Land Use Plan recommends Heavy Industry development for the proposed site. The
2136 development proposed for this site is consistent with the Land Use Plan recommendation for locating
2137 towers on sites not planned for residential use.

2138

2139 The proposed radio transmission tower is consistent with the Goals, Objectives and Policies of the Plan
2140 that stress the importance of providing adequate public facilities and services located in a manner for
2141 maximizing service delivery and efficiency while minimizing negative impacts on surrounding uses.

2142

2143 The applicant has provided rendering of the proposed location. These are manipulated photographs
2144 showing the proposed tower (pictures are shown on the screen).

2145

2146 The proposed transmission tower project is consistent with the development trends in the area of the
2147 subject site and supports the Goals, Objectives, and Policies of the Land Use Plan. Staff believes the site
2148 for the proposed public relations and media transmission towers is substantially in accord with the
2149 Comprehensive Plan. I'll be happy to try to answer any questions. Representatives from the Department
2150 of Public Relations and Media Services are here as our consultants that can actually speak to the technical
2151 aspects of the tower.

2152 Mr. Archer - Thank you, Mr. Tyson. Are there any questions concerning this proposal?
2153

2154 Mrs. Jones - I have a very quick one, just for clarification. If we find this proposal
2155 substantially in accord does it become a notation to the Comprehensive Plan going forward or is this just
2156 for this particular case?
2157

2158 Mr. Tyson - It would be specific to this case.
2159

2160 Mr. Jernigan - I believe RCC is the consultant on this. They are going to construct it.
2161

2162 Mr. Tyson - They can tell you about the construction details.
2163

2164 Mr. Jernigan - We are going to own this right?
2165

2166 Mr. Tyson - As far as I am aware of.
2167

2168 Mr. Jernigan - We are buying this tower.
2169

2170 Mr. Silber - We'll let Tamra answer that question.
2171

2172 Ms. McKinney - Good morning. Yes, sir, Mr. Jernigan and members of the Planning
2173 Commission, this will be a County-owned facility. So, we are paying to construct it. We will purchase
2174 the land and we will own it. If we so decide to have co-location later, we will be able to handle that it.
2175

2176 Mr. Archer - Are there any more question of Ms. McKinney?
2177

2178 Mr. Jernigan - Well, it looks like it has room for cellular at heights of 121, 160, 200. We will be
2179 leasing these out.
2180

2181 Ms. McKinney - We can.
2182

2183 Mr. Jernigan - We will be pulling in money from users.
2184

2185 Ms. McKinney - Oh, yes. It will be a big money maker, no doubt.
2186

2187 Mr. Vanarsdall - That's one of the reasons we want it.
2188

2189 Mr. Jernigan - I just wanted to make sure we were purchasing it.
2190

2191 Mr. Archer - Ms. McKinney, how many services will we be able to co-locate on this tower?
2192

2193 Ms. McKinney - I'm not sure exactly, I think it depends on the type, but I know it can
2194 accommodate cellular as well as some of our own public safety needs.
2195

2196 Mr. Archer - We will be using the higher elevation?
2197

2198 Ms. McKinney - Right.
2199

2200 Mr. Hunter - Good morning, Mike Hunter from RCC and I'll answer your question. The
2201 tower is designed to hold below the FM antenna three antennas with the tips at the top, around 320 feet
2202 another 3 antennas around the 280. There is room for additional microwave and then three sets of cellular
2203 carriers. That's a factor that's in the specification. If you want more, we can put more in with the
2204 understanding that you make the tower fatter as the more antennas you put on it. You should have good
2205 use for the County as an additional safety user, unanticipated uses in the future.

2206

2207 Mr. Archer - Thank you, Mr. Hunter.

2208

2209 Mrs. O'Bannon - You know, the real reason for this tower has to do with Hurricane Isabel. After
2210 the hurricane we were unable to get time on local radio stations to send out to folks to let them know not
2211 to drink the water for two days. And this is a part of the plan to provide communication after a disaster.
2212 So, I guess the question is to make sure that it never gets blown down.

2213

2214 Mr. Hunter - Well, it's going to be specified for 140 mph winds with ½ inch radial icing. It is
2215 rare that you will see both of those things at the same time.

2216

2217 Mrs. O'Bannon - That would be the main reason for construction. Putting more equipment on it, in
2218 my opinion, might make it more likely to be blown down.

2219

2220 Mr. Hunter - No. It's specified to handle the full load at that wind and icing and the shelter is
2221 a concrete shelter, it won't blow away, it is a concrete foundation.

2222

2223 Mr. Archer - Are there any further questions.

2224

2225 Mrs. O'Bannon - Answer me a quick question. Did you graduate from school here?

2226

2227 Mr. Hunter - John Marshall.

2228

2229 Mrs. O'Bannon - You are another one of my classmates.

2230

2231 Mr. Hunter - I was telling Tamra here that I think we went to kindergarten together.

2232

2233 Mr. Vanarsdall - Vetta, upstairs, and Mike here were on the Rescue Squad years ago.

2234

2235 Mr. Hunter - Yes, we were on the Rescue Squad together.

2236

2237 Mrs. O'Bannon - That's the real intent with that because we were unable to purchase, even
2238 purchase time, on WRVA radio. This is the station that most people would turn to. We were going to
2239 establish what we already have in the radio station in the eastern part of the County, expand the coverage
2240 to the western part of the County so that in the future we would ask people to turn to this station, after a
2241 disaster and hear information about don't drink the water for two days, or flush it and so on. In the past,
2242 if you recall, for Isabel it was.... In my area, we were 11 days without electricity but for the first three or
2243 four we were without phone service, electric service and water. And so when you said 140 knots per hour
2244 winds, that was like 60, even 90, I think around then but is 140 strong enough. I still getting back to the
2245 reason we are really doing that, to provide, when it talks about the (unintelligible). And if have to do with
2246 providing any information they need because we were unable to purchase time on the general radio
2247 station to speak to the people. So, that's my biggest concern being sure that it doesn't fall down.

2248

2249 Mr. Silber - Mr. Hunter, is there any concern with interference with anything in the area with
2250 televisions, radios, cell phones or anything along those lines?

2251

2252 Mr. Hunter - Selecting this site was a series of compromises. The site had to be squeezed in
2253 amongst others who use the same frequency, University of Virginia, Virginia State College, who is on an
2254 adjacent channel, Norfolk State, who is on the same channel. And then the second criteria is finding a
2255 place where there would be a minimal chance of interference to the reception of the aural carrier of
2256 WTVR Channel Six. So, by this being located reasonably close to WTVR tower the likelihood of
2257 interference is nil, especially with the new televisions today. There is a provision in the FCC's rules that
2258 says, "A period of one year after the station is constructed, it will be the licensee and the County's
2259 responsibility to investigate and correct interference." And it's very tightly defined. It's interference as
2260 received off of the air on a television or radio. It can't be a car radio, it can't be a public address system,
2261 it can't be the intercom, it can't be the baby monitor. It has to be off the air and it has to be a properly
2262 functioning TV or radio. And the area within which this has to be done is around the ½ mile radius. So,
2263 it may abut some of the residential neighborhoods, or be close to them, but I don't it is going to cause any
2264 interference there. This will be a new clean transmitter, it's not an old tube transmitter that does tends to
2265 be a little sloppy.

2266

2267 Mr. Silber - So, it will be a period of one year?

2268

2269 Mr. Hunter - A period of one year. The County would have to investigate these complaints.

2270

2271 Mr. Silber - If there are complaints or interference then what do you have to do, provide a
2272 filter?

2273

2274 Mr. Hunter - Put a filter on the antenna for the TV that's receiving the interference. These are
2275 fairly simple to resolve. The fact that it has been operating in Highland Springs, which is right in the
2276 middle of a residential neighborhood, with no complaints over the last 10 years, anyway, it seems
2277 unlikely in this area that it would have a problem.

2278

2279 Mr. Archer - All right. Are there any other questions? Thank you, sir.

2280

2281 Mr. Hunter - Thank you.

2282

2283 Mr. Vanarsdall - Hold on. Before we make a motion, I want to tell everyone that, with short
2284 notice, that Mike Hunter and Tamra and I met this morning upstairs at 7:30 a.m. And I left them with 20
2285 questions. One of them you just asked you will get it in writing. All of them are going to be put in
2286 writing. And I thank him again for getting together on such short notice. I had large concern over and
2287 above the nicely done job that he did. (Unintelligible). And just as a matter of trival pursuit, I guess, you
2288 call it. The Lighthouse at Hatteras is 208 feet, the tower at Kings Dominion is 350, the tower at the
2289 Virginia Police Headquarters is 350. We have one on Bassie Road, as y'all know, that is 690 feet, they
2290 call it 700 feet and that is a monopole and I asked them this morning why they couldn't use a monopole
2291 (unintelligible) why we can't. So, this will be the second, if it is built, this will be the second tallest tower
2292 in the entire County. There is no other tower like this that can be compared to it. It's a lattice type, with
2293 three feet on it, (unintelligible) in the front room. So, anyway, and to answer, you already asked Mrs.
2294 Jones but....

2295

2296 Mr. Silber - Mr. Vanarsdall, I was wondering if you knew the height of the Effival Tower or
2297 the Leaning Tower of Pisa?

2298 Mr. Vanarsdall - Well, I had that in one of my French books but I don't have the book with me.
2299 With that said, I will make a motion...
2300
2301 Mr. Archer - One second, Mr. Vanarsdall. Do we need to read the resolution for the record?
2302
2303 Mr. Vanarsdall - I make a motion that the Planning Commission has reviewed the proposed
2304 WHCE Transmission Tower site for conformance of the County's Comprehensive Plan including the
2305 Land Use Plan, the Major Thoroughfare Plan, Parks & Recreation Office Space Plan, and we find that this
2306 site is substantially in accord with the Comprehensive Plan.
2307
2308 Mr. Archer - Do I have a second.
2309
2310 Mr. Jernigan - Second.
2311
2312 Mr. Archer - The motion was made by Mr. Vanarsdall and second by Mr. Jernigan. All in
2313 favor say aye...all opposed say nay. The motion passes.
2314
2315 The Planning Commission adopted the resolution to accept the substantial in accord for SIA-01-06,
2316 Media Services Site, with the County Comprehensive Plan.
2317
2318 Mr. Silber - Next on the agenda would be consideration of the minutes for January 26, 2006,
2319 minutes.
2320
2321 Mr. Archer - Mr. Secretary, before we do that I would like to, for the benefit of the
2322 Commission members, in your last packet Mr. Silber and I had been discussing this letter that we all got a
2323 copy of at the last meeting. We got the letter but we didn't get the attachment. So, in discussing this with
2324 Mr. Silber he indicated that he would send it by copying it in the next packet that was going out and he
2325 did so. I appreciate that, sir.
2326
2327 I think the problem was, with the first indication, that this had to do with a zoning case that I had but
2328 when I looked at it I think this has more to do with just general road concerning these PODs and what
2329 other localities are doing to deal with the issue. And I understand that there are some issues that you
2330 probably haven't been confronted with that has come up in the County about people leaving these cars.
2331 And I mention that because we should probably study this and maybe at some point in the future
2332 determine whether or not we need to do something on a similar line.
2333
2334 Some of you may know of such problems that have been associated with use of PODs, particularly on
2335 residential property. I've had a few with people bringing them on site and then just leaving them forever.
2336
2337 Mr. Jernigan - I've seen them sitting around different places but I don't know that they sat there
2338 for a long time. Normally, they are gone within 30 or 40 days.
2339
2340 Mrs. O'Bannon - Well, pretty consistently in my district unfortunately one of the uses that has
2341 come up is that the people that rent a POD put their boat in it for the winter and use it as if it were an
2342 accessory structure, which is what I've talked to Mr. Silber about.
2343
2344 Mr. Jernigan - Well, they are supposed to be just temporary.
2345

2346 Mrs. O'Bannon - Well, I have one actually in my neighborhood, directly behind me, and it has
2347 been there for longer than six months. But, they are renovating their house and they move all of their
2348 furniture in it, but it is in the backyard. Of course that's why I've use it, my backyard is near
2349 (unintelligible). And, of course, I'm not going to say anything but I do get calls on them. Some have
2350 been left in the street, in the driveway, in front of someone's house in that case it was there less than a
2351 month and then it was moved away, at the beginning of renovating there house. They took the roof off
2352 and moved all their furniture out and moved into an apartment for six months, nine months, actually about
2353 a year.

2354

2355 Mr. Silber - The Board informally discussed this about a week ago, when they received this
2356 information from Mr. Levy and others. I informed the Board at time that we treat these PODs no
2357 differently from accessory structures. It is required to be in the backyard and meet the setbacks as other
2358 accessory structures. They are not allowed to be in public right-of-way. If we do receive a complaint and
2359 they are in a right-of-way, we will contact them and have them remove it. If they are in the front yard or
2360 side yards they don't meet the requirements and they must be removed. Now, as you know, our
2361 complaint policy is we go out and give them notice and give them two weeks to comply and if they are
2362 not in compliance we go back and give them two more weeks to comply. So, they end up having about
2363 30 additional days once we receive the complaint. And, Mr. Jernigan, your point is well taken. Many of
2364 these don't last too much beyond that 30-day time. Mrs. O'Bannon has some examples of some that have
2365 been around much longer but the point is we do have a policy for addressing these. We may get more
2366 complaints because these seem to be occurring more frequently in residential areas. Mr. Levey provided
2367 us some ordinances that have been adopted in other localities. We don't feel we need to take that step at
2368 this point. We think we can handle these through our normal policy and that's on a compliant basis. If
2369 they get worse, we may revisit that and propose some ordinance. But, at this point in time, we will treat
2370 them like accessory structure and they need to be in backyards.

2371

2372 Mr. Jernigan - Well, if it is used like it is supposed to be, temporary, you are suppose to bring in
2373 a truck, load it up, and have it out of there in a matter of weeks and then have it stored in another facility
2374 until you need that back. But, if you have got one that has been sitting in the backyard for six months....

2375

2376 Mr. Vanarsdall - Revitalization will take care of that, so will John Short. I just about wore John
2377 Short out with stuff like that.

2378

2379 Mr. Archer - Well, at any rate, I do appreciate, Mr. Silber, you giving us this information. It
2380 will give us something to think about anyway and some examples to go by.

2381

2382 Mrs. O'Bannon - I think by calling it accessory structure and causing it to be in the backyard and
2383 for setback that will work well, at least with the situations we've had so far. That's probably the best way
2384 to put it. But it is the ones that are in the street and it's because their driveway, or in the front yard,
2385 because they might have a little driveway in the front yard or something, these are the calls that I get
2386 because they can't put them in the backyard. It's not a good access. You got a narrow lot or there is no
2387 driveway so they just kind of sit in the street. Those are the problems that come up with them and they
2388 don't have an alternative for putting it, even in the side yard because there is no driveway at all or it's a
2389 very short driveway and it sits in the front yard. So, that's when you get into the problems.

2390

2391 Mr. Jernigan - I wouldn't even consider them as accessory structure. I mean, this is supposed to
2392 be a temporary mean to move stuff out. When you class it as a temporary structure you are almost
2393 making it okay to put it in the yard.

2394

2395 Mr. O'Kelly - Our current policy came about years ago when we were dealing with
2396 (unintelligible) putting in backyards and (unintelligible). Then the PODs came later (unintelligible).
2397

2398 Mr. Jernigan - Dave, I don't even have much of that. I mean we have them on commercial
2399 properties but....
2400

2401 Mr. Silber - Some people have used them in that fashion.
2402

2403 Mrs. O'Bannon - They are actually living in them. Because you need a window.
2404

2405 Mr. Vanarsdall - Well, Mr. Secretary, you said we are going to leave it like it is.
2406

2407 Mr. Silber - Yes, sir.
2408

2409 Mr. Archer - For the time being. All right. I guess the next item on the agenda will be the
2410 approval of the minutes and since I was not at the last meeting, I want to thank all you in my absence.
2411 And in reading the minutes everything I might have said was stated correctly.
2412

2413 **APPROVAL OF MINUTES: January 25, 2006 Minutes**

2414
2415 Mrs. Jones - I just noted a few.
2416

2417 Mr. Archer - Do you have some, Mrs. Jones?
2418

2419 Mrs. Jones - I've already submitted them.
2420

2421 Mr. Archer - Are there any questions? If not, we will have a motion.
2422

2423 Mr. Vanarsdall - I move that the minutes of Wednesday, January 25, 2006, be approved.
2424

2425 Mrs. Jones - Second.
2426

2427 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mrs. Jones. All in favor
2428 say aye...all opposed say nay. The motion passes.
2429

2430 The Planning Commission approved the January 25, 2006, minutes, as corrected.
2431

2432 Mr. Jernigan - Randy, can I say one more thing on the PODs and this may be something you would
2433 want to look into. Rather than a big policy change, just basically there are just two people renting these, The
2434 EZ Box and POD's. I would just go to them and say what is your policy and if they say, I mean, that's only
2435 two people to go to. And if they say we want them back here in 30 days then enforce it.
2436

2437 Mr. Silber - Yes, but what happens if they say we don't care how long they rent them?
2438

2439 Mr. Jernigan - Well, I don't even think that's (unintelligible). What I'm saying is I would like to
2440 see what their policy is.
2441

2442 Mr. Silber - Okay.
2443

2444 Mr. Archer - Before we leave, can we have a motion for adjournment?
2445

2446 Mr. Silber - Actually, I have two additional comments, Mr. Chairman.
2447

2448 Mr. Archer - Go ahead, Mr. Secretary.
2449

2450 Mr. Silber - Mr. O'Kelly is passing out for me some information that has been provided to us
2451 from the Richmond Regional Planning District Commission. These are James River Access Maps,
2452 interpretive maps. So, we have two maps that we are providing you from the James River Advisory
2453 Committee. So, we will provide those maps to you by request of the PDC. Secondly, and finally, I just want
2454 to remind you that we do have the national conference coming up, the APA Conference coming up in San
2455 Antonio, Texas. I know that Mr. Vanarsdall signed up to go and I haven't heard from the other Commission
2456 members. Mrs. O'Bannon, if you are interested I do have the literature if you are planning to attend.
2457

2458 Mrs. O'Bannon - Where is it being held?
2459

2460 Mr. Silber - In San Antonio, TX.
2461

2462 Mr. Vanarsdall - Let me tell you about the flight. Effie got a flight for \$394.00. You've heard in
2463 the news where RIC has become almost you buy a song and they will sing it for you. Then she looked at
2464 Newport News and then called Delta and so we got a flight out of Regan National for \$307.00.
2465

2466 Mrs. O'Bannon - Well, the biggest thing about San Antonio, they kept promoting it, the river, and
2467 we ought to look at it and all that and basically it's a drainage ditch and it's only about 20 feet wide.
2468 They have barges that go up and down and they keep it full, but what concerns me and this is the kind of
2469 thing that I always do when I go on these trips, I leave the group and I go poking around and see what's
2470 the problem with it and what I saw the problem was when I left the area where they have it totally
2471 beautifully and incredibility done around the river front, you can sit and eat and so on, but as I walked up
2472 the steps to the main part of the city, it was just horrible. It was boarded up and derelict buildings and
2473 everything, just up and above from where the river walk was. It's horrible devastation.
2474

2475 Mr. Jernigan - When were you there?
2476

2477 Mrs. O'Bannon - About five year's ago. But that was what impressed me, there was nothing
2478 beyond the area that you could see where the river walk was. If you just walked up the stairs to the upper
2479 level it's like boarded up buildings and it looks like what we have in any other city.
2480

2481 Mr. Silber - That is one of the challenges of this city. The river walk is very popular and it is
2482 a revenue generator but beyond that there are some challenges.
2483

2484 Mrs. O'Bannon - When you go up into the other areas there are no stores, no drug store, it's just a
2485 lot of vacant properties.
2486

2487 Mr. Silber - Is there anybody else interested in going or considering it or have you been in
2488 touch with Melba? Fine, just a reminder. I have nothing else.
2489

2490 Mr. Archer - All right, is there a motion for adjournment?
2491

2492 Mrs. Jones - So, move.

2493

2494 Mr. Vanarsdall - Second.

2495

2496 On a motion by Mrs. Jones and seconded by Mr. Vanarsdall, the Planning Commission adjourned its

2497 February 22, 2006 meeting at 11:33 a.m.

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2500

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C. W. Archer, C.P.C., Chairman

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Randall R. Silber, Secretary

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