

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building in the Government Center  
3 at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, January 22, 2003.

4

5 Members Present:                   Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)  
6   Mrs. Lisa D. Ware, Vice Chairperson (Tuckahoe)  
7   Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
8   Mr. C. W. Archer, C.P.C. (Fairfield)  
9   Mr. Allen Taylor, P.E., C.P.C. (Three Chopt)

10

11 Members Absent:                   Mr. Richard W. Glover (Brookland) Board of Supervisors  
12   Representative

13

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

26

27 Mr. Jernigan -                   Good morning, ladies and gentlemen, staff and Planning Commissioners.  
28 Ladies and gentlemen, on behalf of the Planning staff and the Planning Commission, we would like  
29 to welcome you to our January 22, 2003 public hearing for plan of development. For those of you  
30 who are not regular members here, I will just tell you a couple of things up front. Our process here is  
31 the cases are announced and I will ask for opposition after that. If there is any opposition, just raise  
32 your hand and you will be recognized and have a chance to speak. If you do, please come to the  
33 podium. These hearings are audibly taped and you will have to be at the microphone for us to pick  
34 you up for the record. If there is opposition, there is a 10 minute rule, and this will give 10 minutes  
35 to the applicant and a total of 10 minutes to the opposition to state the case. So, with that, I would  
36 like to turn the meeting over to our secretary, Mr. Marlles.

37

38 Mr. Marlles -                   Thank you, Mr. Chairman. Good morning, ladies and gentlemen and  
39 members of the Planning Commission. We do have a number of requests for deferrals and  
40 withdrawals, and they will be presented this morning by Mr. Kevin Wilhite.

41

42 Mr. Wilhite -                   Good morning, Mr. Chairman and members of the Commission and  
43 everybody else in attendance. At this time, staff is aware of six requests for deferrals on your  
44 agenda. The first is on Page 2.

45

45 **TRANSFER OF APPROVAL (Deferred from the November 19, 2002, Meeting)**

46

POD-117-98  
Courtland @ Wyndham  
(POD-116-96 Revised)

**Anthony P. Renaldi, Vice President and Chief Financial Officer for Prospect Homes of Richmond, Inc.:** Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from C. Richard Dobson Builders, Inc. to Prospect Homes of Richmond, Inc. The 4.9-acre site is located on the west line of Wyndham Park Drive at its intersection with Dominion Club Drive on parcel 740-776-1890. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

47

48 Mr. Wilhite - The applicant is requesting a deferral to February 26, 2003.

49

50 Mr. Jernigan - Is there any opposition to the deferral of POD-117-98? Mr. Taylor.

51

52 Mr. Taylor - There is no opposition so I will move deferral of Transfer of Approval for  
53 POD-117-98, Courtland @ Wyndham, to February 26, 2003, at the applicant's request.

54

55 Mr. Vanarsdall - Second.

56

57 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in  
58 favor say aye. All opposed say no. The motion passes.

59

60 At the request of the applicant, the Planning Commission deferred Transfer of Approval, POD-117-  
61 98, Courtland @ Wyndham (POD-116-96 Revised), to its meeting on February 26, 2003.

62

63 **TRANSFER OF APPROVAL (Deferred from the November 19, 2002, Meeting)**

64

POD-51-99  
Gaskins Retirement Center

**Matthew Bowe for Meadow Glen, LLC:** Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from South Gaskins Retirement LLC (Dr. Nazir Chauldhary) to Georgia Williams Assisted Living LLC. The 9.955-acre site is located along the west line of Gaskins Road (2400 Gaskins Road), approximately 500 feet south of Three Chopt Road on parcel 749-754-2538. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Tuckahoe)**

65

66 Mr. Wilhite - The applicant is requesting a deferral to February 26, 2003.

67

68 Mr. Jernigan - Is there any opposition to the deferral of POD-51-99? No opposition.

69

70 Mrs. Ware - I move that Transfer of Approval for POD-51-99, Gaskins Retirement Center,  
71 be deferred to the February 26, 2003 meeting, at the applicant's request.

72

73 Mr. Vanarsdall - Second.

74

75 Mr. Jernigan- We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in favor  
76 say aye. All opposed say no. The motion passes.

77

78 At the request of the applicant, the Planning Commission deferred Transfer of Approval, POD-51-  
79 99, Gaskins Retirement Center, to its meeting on February 26, 2003.

80

81 **TRANSFER OF APPROVAL**

82

POD-91-85

The Colonnade Building  
At Innsbrook  
(Formerly The Oxford  
Building)

**Hirschler, Fleischer for Highwoods Realty Limited Partnership:**

Request for transfer of approval of a plan of development, as  
required by Chapter 24, Section 24-106 of the Henrico County Code  
from Chamanreal Inc., N.V. to Highwoods Realty Limited  
Partnership. The 6.4-acre site is located at 4050 Innslake Drive on  
parcel 749-760-3757. The zoning is O-3C, Office District  
(Conditional). (**Three Chopt**)

83

84 Mr. Wilhite - The applicant is requesting deferral to April 23, 2003.

85

86 Mr. Vanarsdall - April 23? We didn't have a date on the report.

87

88 Mr. Wilhite - No. We just found out late yesterday afternoon what the date would be.

89

90 Mr. Vanarsdall - All the way past Easter.

91

92 Mr. Jernigan - Is there any opposition to the deferral of POD-91-85? No opposition.

93

94 Mr. Taylor- I move Transfer of Approval, POD-91-85, The Colonnade Building At  
95 Innsbrook, formerly the Interport Distribution Facility, be deferred to April 23, 2003, at the  
96 applicant's request.

97

98 Mr. Vanarsdall - Second.

99

100 Mr. Jernigan- We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in favor  
101 say aye. All opposed say no. The motion carries.

102

103 At the request of the applicant, the Planning Commission deferred Transfer of Approval, POD-91-  
104 85, The Colonnade Building At Innsbrook (Formerly The Oxford Building) to its meeting on April  
105 23, 2003.

106

107

107 **PLAN OF DEVELOPMENT**

POD-7-03  
Park Commons @ Twin  
Hickory

**Youngblood, Tyler & Associates, P. C. for HHHunt Corporation:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 60 detached condominiums. The 12.99-acre site is located on the west side of Hickory Bend Drive and the south side of Twin Hickory Road on part of parcels 745-770-0962; 746-770-1492 and 0619; 745-769-6789. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

108

109 Mr. Wilhite - The applicant is making a request for deferral to February 13, 2003.

110

111 Mr. Vanarsdall - This is the rezoning meeting, isn't it?

112

113 Mr. Wilhite - Yes, sir.

114

115 Mr. Jernigan - Is there any opposition to the deferral of POD-7-03? Mr. Taylor.

116

117 Mr. Taylor - There being no opposition, I will move that POD-7-03, Park Commons @  
118 Twin Hickory be deferred to February 13, 2003, at the applicant's request.

119

120 Mr. Vanarsdall - Second.

121

122 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in favor  
123 say aye. All opposed say no. The motion passes.

124

125 At the applicant's request, the Planning Commission deferred POD-7-03, Park Commons @ Twin  
126 Hickory, to its meeting on February 13, 2003.

127

128 **SUBDIVISION**

129

Old Courtney Road  
(January 2003 Plan)

**Balzer & Associates, Inc. for Sunbelt Homes:** The 1.81-acre site is located at the intersection of Staples Mill Road (U.S. Route 33) and Old Courtney Road, approximately 700 feet north of Warren Road, on parcel 765-764-4863. The zoning is R-2, One-Family Residence District. County water and sewer. **3 Lots (Brookland)**

130

131 Mr. Wilhite - The applicant is requesting deferral to March 26, 2003.

132

133 Mr. Jernigan - Is there any opposition to the deferral of Subdivision Old Courtney Road  
134 (January 2003 Plan)?

135

136 Mr. Vanarsdall - I move that Subdivision Old Courtney Road be deferred to March 26, 2003, at

137 the applicant's request.

138

139 Mr. Taylor - Second.

140

141 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in favor  
142 say aye. All opposed say no. The motion passes.

143

144 At the request of the applicant, the Planning Commission deferred Subdivision Old Courtney Road  
145 (January 2003 Plan) to its meeting on March 26, 2003.

146

#### 147 **LANDSCAPE PLAN**

LP/POD-54-01  
Magnolia Point,  
Sections 1-3

**Mike Doczi for Magnolia Point, LLC:** Request for approval of  
a landscape plan, as required by Chapter 24, Sections 24-106 and  
24-106.2 of the Henrico County Code. The 12.141-acre site is  
located at the intersection of Virginia Center Parkway and Francis  
Road on parcel 782-767-6816. The zoning is RTHC, Residential  
Townhouse District (Conditional). **(Fairfield)**

148

149 Mr. Wilhite - The applicant requests deferral to February 26, 2003.

150

151 Mr. Jernigan - Is there any opposition to deferral of LP/POD-54-01? Mr. Archer.

152

153 Mr. Archer - Mr. Chairman, I move deferral of LP/POD-54-01, Magnolia Point, Sections 1-  
154 3, to the February 26, 2003 meeting, at the applicant's request.

155

156 Mr. Vanarsdall - Second.

157

158 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in  
159 favor say aye. All opposed say no. The motion passes.

160

161 At the request of the applicant, the Planning Commission deferred Landscape Plan LP/POD-54-01,  
162 Magnolia Point, Sections 1-3, to its February 26, 2003 meeting.

163

164 Mr. Wilhite - Those are all of the requests that staff is aware of at this time.

165

166 Mr. Jernigan- Thank you.

167

168 Mr. Marles - Mr. Chairman, the next item on the agenda is the Expedited Agenda and for  
169 the benefit of the ladies and gentlemen in the audience, items on the Expedited Agenda are items for  
170 which staff is recommending approval. There are no known concerns by the Planning Commissioner  
171 and there is no known citizen opposition. If there is citizen opposition, that appears at the meeting,  
172 the case can be taken off the Expedited Agenda and heard in its normal rotation. Mr. Wilhite.

173 Mr. Wilhite - Thank you. We have six items on the Expedited Agenda this morning. The  
174 first appears on Page 14, POD-6-03.

176 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

POD-6-03  
Season’s Restaurant –  
Short Pump Town Center

**McKinney & Company for Short Pump Town Center, LLC and Beacon Street, Inc.:** Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 8,150 square foot restaurant with outdoor dining in a regional shopping center. The 1.88-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 500 feet west of its intersection with Lauderdale Drive on part of parcel 736-763-4932. The zoning is B-3C, Business District (Conditional) and WBSO, West Broad Street Overlay District. Private water and sewer.  
**(Three Chopt)**

177

178 Mr. Wilhite - On Page 2 of your Addendum there is a revised recommendation for approval,  
179 and also a revised lighting plan was included in your packet.

180

181 Mr. Jernigan - Is there any opposition to the approval of POD-6-03 on the Expedited  
182 Agenda? Mr. Taylor.

183

184 Mr. Taylor - I move approval of POD-6-03, Season’s Restaurant – Short Pump Town  
185 Center, on the Expedited Agenda, subject to the annotations on the plans, the standard conditions for  
186 developments of this type and the additional conditions listed on the agenda.

187

188 Mr. Vanarsdall - Second.

189

190 Mr. Jernigan - We have a motion by Mr. Taylor, seconded by Mr. Vanarsdall. All in favor  
191 say aye. All opposed say no. The motion passes.

192

193 Mr. Vanarsdall - I have a question, Mr. Chairman. It says POD and Lighting Plan, but I don’t  
194 see No. 11 and I don’t see No. 11B. I am not against it. I am just questioning that.

195

196 Mr. Wilhite - The lighting plan was included as part of the approval. It would not need to  
197 come back again.

198

199 Mr. Vanarsdall - Thank you. That is all I had.

200

201 The Planning Commission approved Plan of Development and Lighting Plan for POD-6-03,  
202 Season’s Restaurant – Short Pump Town Center, subject to the annotations on the plans, the standard  
203 conditions attached to these minutes for developments of this type and the following additional  
204 conditions:

205

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

- 208 24. Outside storage shall not be permitted.
- 209 25. The proffers approved as a part of zoning case C-29C-98 shall be incorporated in this  
210 approval.
- 211 26. The developer shall install an adequate restaurant ventilating and exhaust system to minimize  
212 smoke, odors, and grease vapors. The plans and specifications shall be included with the  
213 building permit application for review and approval. If, in the opinion of the County, the  
214 type system provided is not effective, the Commission retains the rights to review and direct  
215 the type of system to be used.
- 216 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
217 approved by the County Engineer prior to final approval of the construction plans by the  
218 Department of Public Works.
- 219 28. Insurance Services Office (ISO) calculations must be included with the plans and contracts  
220 and must be approved by the Department of Public Utilities prior to the issuance of a building  
221 permit.
- 222 29. The location of all existing and proposed utility and mechanical equipment (including HVAC  
223 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
224 identified on the landscape plans. All equipment shall be screened by such measures as  
225 determined appropriate by the Director of Planning or the Planning Commission at the time  
226 of plan approval.
- 227 30. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the  
228 total site area.
- 229 31. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

230

231 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

232

POD-8-03  
Applebee's – Short Pump  
Town Center

**Carter Design for Short Pump Town Center, LLC and Applebee's of Virginia:** Request for approval of a plan of development ~~and lighting plan~~, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 5,309 square foot restaurant in a regional shopping center. The 1.811-acre site is located on the north line of W. Broad Street (U. S. Route 250), approximately 1,150 feet west of its intersection with Lauderdale Drive on part of parcel 736-763-4932. The zoning is B-3C, Business District (Conditional) and WBSO, West Broad Street Overlay District. Private water and sewer.  
**(Three Chopt)**

233

234 Mr. Wilhite - On Page 3 of your Addendum there is a revised recommendation for approval.  
235 Also, I would like to note that the lighting plan is being removed from consideration at this time.

236

237 Mr. Jernigan - Is there any opposition to the approval of POD-8-03?

238

239 Mr. Taylor - I move approval of POD-8-03, Applebee's – Short Pump Town Center,  
240 subject to the annotations on the plan, standard conditions for developments of this type, and  
241 additional conditions Nos.23 through 31.

242

243 Mr. Vanarsdall - Second.

244

245 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in favor  
246 say aye. All opposed say no. The motion passes.

247

248 The Planning Commission approved POD-8-03, Applebee's – Short Pump Town Center, subject to  
249 the annotations on the plans, the standard conditions attached to these minutes for developments of  
250 this type and the following additional conditions:

251

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

254 24. Outside storage shall not be permitted.

255 25. The proffers approved as a part of zoning case C-29C-98 shall be incorporated in this  
256 approval.

257 26. The developer shall install an adequate restaurant ventilating and exhaust system to minimize  
258 smoke, odors, and grease vapors. The plans and specifications shall be included with the  
259 building permit application for review and approval. If, in the opinion of the County, the  
260 type system provided is not effective, the Commission retains the rights to review and direct  
261 the type of system to be used.

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

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

268 29. The location of all existing and proposed utility and mechanical equipment (including HVAC  
269 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
270 identified on the landscape plans. All equipment shall be screened by such measures as  
271 determined appropriate by the Director of Planning or the Planning Commission at the time  
272 of plan approval.

273 30. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the  
274 total site area.

275 31. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

276

276 **PLAN OF DEVELOPMENT**

277

POD-10-03  
The Shoppes @ CrossRidge -  
Retail

**Jordan Consulting Engineers, P.C. for gator Investments, L.C.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 11,935 square foot retail building with parking. The 1.43-acre site is located on the southeast corner of Staples Mill Road (State Route 33) and Crossridge Glen Way on parcel 762-764-6451. The zoning is B-1, Business District. County water and sewer. **(Brookland)**

278

279 Mr. Wilhite - Staff recommends approval.

280

281 Mr. Jernigan - In the audience, is there any opposition to the approval of POD-10-03?

282

283 Mr. Vanarsdall - Mr. Chairman, I move approval of POD-10-03, The Shoppes @ Crossridge –  
284 Retail, on the Expedited Agenda, as recommended by staff, and subject to the annotations on the  
285 plans, standard conditions for developments of this type and additional conditions Nos. 23 through  
286 33.

287

288 Mr. Taylor - Second.

289

290 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in favor  
291 say aye. All opposed say no. The motion passes.

292

293 The Planning Commission approved Plan of Development POD-10-03, The Shoppes @ CrossRidge,  
294 subject to the annotations on the plans, the standard conditions attached to these minutes for  
295 developments of this type and the following additional conditions:

296

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

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

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

305 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
306 approved by the County Engineer prior to final approval of the construction plans by the  
307 Department of Public Works.

308 27. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage  
309 plans.

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

- 313 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
 314 Planning Office and approved prior to issuance of a certificate of occupancy for this  
 315 development.
- 316 30. The location of all existing and proposed utility and mechanical equipment (including HVAC  
 317 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
 318 identified on the landscape plans. All equipment shall be screened by such measures as  
 319 determined appropriate by the Director of Planning or the Planning Commission at the time  
 320 of plan approval.
- 321 31. Only retail business establishments permitted in a B-1, Business Zoning District may be  
 322 located in this center.
- 323 32. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of  
 324 the total site area.
- 325 33. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

326

327 **SUBDIVISION**

328

Bryan Park Gardens,  
 Section C  
 (January 2003 Plan)

**TIMMONS and J. Thomas O'Brien, Jr. for Dakota Associates, LLC:** The 5.30-acre site is located at the intersection of Greenway and Impala Drive, southeast corner on parcels 777-745-0558, 2828, 3244, 1341, and 1451; 776-745-8340, 9441, 8451, 4241 and 9252; 777-745-2917, 2933, 3461, 0541, 1762, 2922, 3038, and 3569. The zoning is R-4, One-Family Residence District. County water and sewer. **21 Lots (Brookland)**

329

330 Mr. Wilhite - Staff recommends approval.

331

332 Mr. Jernigan - Is anyone in the audience in opposition to Subdivision Bryan Park Gardens,  
 333 Section C?

334

335 Mr. Vanarsdall - I move Bryan Park Gardens, Section C, be approved on the Expedited  
 336 Agenda, subject to the annotations on the plans, the standard conditions for subdivisions served by  
 337 public utilities and added conditions Nos. 12 and 13.

338

339 Mr. Archer - Second, Mr. Chairman.

340

341 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Archer. All in  
 342 favor say aye. All opposed say no. The motion passes.

343

344 The Planning Commission granted conditional approval for Subdivision Bryan Park Gardens,  
 345 Section C, (January 2003 Plan), subject to the annotations on the plans, the standard conditions  
 346 attached to these minutes for subdivisions served by public utilities, and the following additional  
 347 conditions:

348

349 12. Each lot shall contain at least 8,000 square feet, exclusive of the flood plain areas.

350 13. Any necessary offsite drainage easements must be obtained prior to approval of the construction

351 plan by the Department of Public Works.

352

353 **SUBDIVISION & EXCEPTION**

354

Sadler Oaks  
(January 2003 Plan)

**E. D. Lewis & Associates, P.C. for Matthew C. Davis, R.H. Shaia Family Trust and Willbrook, LLC:** Request for approval of a conditional subdivision and an exception pursuant to Section 19-4 of the Henrico County Code for stem lots. The 18.6-acre site is located on the east line of Sadler Road opposite Trexler Road (Private) on parcels 748-766-1856 and 2289; 747-766-9196 and 747-767-3704. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **33 Lots (Three Chopt)**

355

356 Mr. Wilhite - You will note that the Exception Request to allow for stem lots is being  
357 removed.

358

359 Mr. Jernigan - Is there anyone in the audience in opposition to Sadler Oaks?

360

361 Mr. Taylor - I move approval of Subdivision Sadler Oaks (January 2003 Plan), subject to  
362 the standard conditions for subdivisions served by public utilities and added conditions Nos. 12  
363 through 15.

364

365 Mr. Vanarsdall - Second.

366

367 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in favor  
368 say aye. All opposed say no. The motion passes.

369

370 The Planning Commission granted conditional approval for Subdivision Sadler Oaks (January 2003  
371 Plan), subject to the standard conditions attached to these minutes for subdivisions served by public  
372 utilities, and the following additional conditions:

373

374 12. The proffers approved as part of zoning case C-54C-02 shall be incorporated in this approval.

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

378 14. The detailed plant list and specifications for the landscaping to be provided within the 25-foot-  
379 wide planting strip easement along Sadler Road shall be submitted to the Planning Office for  
380 review and approval prior to recordation of the plat.

381 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the  
382 maintenance of the common area by a homeowners association shall be submitted to the  
383 Planning Office for review. Such covenants and restrictions shall be in form and substance  
384 satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision  
385 plat.

386 **LANDSCAPE & LIGHTING PLAN**

387

LP/POD-24-01  
Emmaus United Methodist  
Church – Staples Mill Road

**Gayle R. McNeill and Jacob L. Adams for Emmaus United Methodist Church:** Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 3.4-acre site is located at 8001 Staples Mill Road (State Route 33) on parcel 771-751-8985. The zoning is R-3, One-Family Residence District. **(Brookland)**

388

389 Mr. Wilhite - On Page 6 of your Addendum there is a revised recommendation for approval  
390 and there is also a revised plan that has been included in your packet.

391

392 Mr. Jernigan - In the audience is there any opposition to LP/POD-24-01?

393

394 Mr. Vanarsdall - I move that LP/POD-24-01, Emmaus United Methodist Church – Staples Mill  
395 Road, be approved on the Expedited Agenda, upon the recommendation of the staff and the standard  
396 conditions for landscape and lighting plans, and on the Addendum, Page 6.

397

398 Mrs. Ware - Second.

399

400 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs. Ware. All in favor  
401 say aye. All opposed say no. The motion passes.

402

403 The Planning Commission approved Landscape and Lighting Plan LP/POD-24-01, Emmaus United  
404 Methodist Church – Staples Mill Road, subject to the standard conditions for landscape and lighting  
405 plans, attached to these minutes.

406

407 **FOR INFORMATIONAL PURPOSE ONLY**

408

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended</b>
<b>Claytonshire (December 2001 Plan)</b>	<b>Three Chopt</b>	<b>20</b>	<b>20</b>	<b>0</b>	<b>1 Year 12/17/03</b>
<b>Carrington North (January 2000 Plan)</b>	<b>Three Chopt</b>	<b>108</b>	<b>61</b>	<b>2</b>	<b>1 Year 1/28/04</b>
<b>Malvern Hill Manor (January 2001 Plan)</b>	<b>Varina</b>	<b>121</b>	<b>80</b>	<b>1</b>	<b>1 Year 1/28/04</b>
<b>Old Washington Place (January 2001 Plan)</b>	<b>Brookland</b>	<b>10</b>	<b>10</b>	<b>1</b>	<b>1 Year 1/28/04</b>

409

410 Mr. Marlles - These subdivisions are being presented for informational purposes only to the  
411 Commission, and they will be summarized by Mr. Wilhite.

412 Mr. Wilhite - We have four subdivisions being extended administratively by the Director, all  
413 for one year, Claytonshire (December 2001 Plan), Carrington North (January 2000 Plan), Malvern Hill

414 Manor (January 2001 Plan), and Old Washington Place (January 2001 Plan). I would like to note that  
415 Carrington North, actually there are 61 remaining lots, not 108.

416

417 Mr. Jernigan - Thank you, Mr. Wilhite, and that was for information only. There is no action  
418 to be taken.

419

#### 420 **TRANSFER OF APPROVAL**

POD-96-87

Tanner Moving & Storage,  
Inc. (Formerly Interport  
Distribution Facility)  
Charles City Road

**Brandon R. Tanner, Sr. for Tanner Moving & Storage, Inc.:**

Request for approval of a transfer of approval, as required by  
Chapter 24, Section 24-106 of the Henrico County Code from  
Interport Distribution Associates to Tanner Moving & Storage,  
Inc. The 2.627-acre site is located on the northern line of  
Charles City Road, at its intersection with Klockner Drive, on  
parcel 812-711-5968. The zoning is M-1, Light Industrial  
District. County water and sewer. (**Varina**)

421

422 Mr. Marlles - The staff report will be given by Mr. Cooper.

423

424 Mr. Jernigan - Is there any opposition to Transfer of Approval POD-96-87? No opposition.  
425 Good morning, Mr. Cooper.

426

427 Mr. Cooper - Good morning, Mr. Chairman, and members of the Commission. The  
428 applicant has agreed to correct all of the deficiencies by April 20, 2003, as described in conditions of  
429 approval. Therefore, staff can recommend approval of this Transfer of Approval request at this time.

430

431 Mr. Jernigan - Thank you, sir. With that, I will move for approval of POD-96-87, Transfer of  
432 Approval for Tanner Moving and Storage, Inc.

433

434 Mr. Vanarsdall - Second.

435

436 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in  
437 favor say aye. All opposed say no. The motion passes.

438

439 The Planning Commission approved Transfer of Approval for POD-96-87, Tanner Moving and  
440 Storage, Inc. (Formerly Interport Distribution Facility) Charles City Road, from Interport  
441 Distribution Associates to Tanner Moving & Storage, Inc., subject to the continued compliance with  
442 the conditions of the original approval and the following condition:

443

444 1. Site deficiencies, as identified in the inspection report, dated December 20, 2002, shall be  
445 corrected by **April 20, 2003**.

446

446 **PLAN OF DEVELOPMENT (Deferred from the December 18, 2002, Meeting)**

POD-84-02  
Jiffy Lube –  
9215 Quioccasin Road

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

447

448 Mr. Marlles - The next case is on Page 6 of your agenda. The staff report will be given by  
449 Ms. Christina Goggin.

450

451 Mr. Jernigan - Is there any opposition to POD-84-02, Jiffy Lube? We have opposition. OK.  
452 Good morning, Ms. Goggin. How are you?

453

454 Ms. Goggin - Good morning. Currently being handed out to you is a revised site plan and  
455 two master plans that are for informational purposes only. The master plan that is in your packet was  
456 required by Planning to make sure that this site that is being developed fits the proffered layout that  
457 the Board adopted at rezoning. And Public Works needed the master plan layout and a master  
458 grading plan to make sure that the fill needed for Jiffy Lube would not make the rest of the site  
459 unusable, as well as they need to see how the traffic, and entrance to the land from Quioccasin,  
460 considering that there is a Capital Improvement project in that right now. The plan that you received  
461 in your packet shows an above-ground retention basin with an outfall that leads to the southern  
462 property line into the natural channel. The revised site layout that is in front of you today shows  
463 underground storage with outfall going into an existing storm sewer to the west of the property.  
464 Staff did receive an e-mail from one of the members of the estate, controlling on adjacent property,  
465 which is the 0-1C property to the south, against this plan of development and he is here to speak on  
466 it, and I also have his e-mail here if you all would like for me to go over that, or because he is here he  
467 can talk about his concerns. Andy Condlin, the representative for the developer in the rezoning is  
468 here. We have Steve Simulcik from Public Works that could speak on the drainage issues that were  
469 a concern on this site, and we do have Todd Eure from Traffic if he is able to help.

470

471 Mr. Jernigan - Thank you, ma'am. Are there any questions for Ms. Goggin from the  
472 Commission?

473

474 Ms. Ware - Is it Mr. Condlin that is here with us today? Well, then we will let him  
475 address this.

476

477 Mr. Jernigan - Ms. Ware, would you like to hear from the applicant?

478

479 Ms. Ware - Yes.

480 Mr. Condlin - Good morning, members of the Planning Commission. My name is Andy  
481 Condlin and I am here on behalf of Lucor. I have with me Simon Miller from Balzer and Doug

482 Roane from Lucor, as well, to answer any potential questions that you might have.

483

484 Mr. Jernigan - Excuse me. The 10-minute rule is in effect. Would you like rebuttal time?

485

486 Mr. Condlin - Sure. I would like to reserve six minutes for rebuttal and I am going to keep  
487 this part real quick. I was going to respond to Mr.Collins' e-mail up front but since he is here, I will  
488 let him express his concerns and I will make the responses necessary, if that is appropriate.

489

490 Mr. Jernigan - I apologize for the interruption.

491

492 Mr. Condlin - You can interrupt me at any time. That is fine. Thank you.

493

494 Mr. Vanarsdall - Six minutes for rebuttal you say?

495

496 Mr. Condlin - I only need four minutes for my presentation is what I am saying. I like to be  
497 positive on these things.

498

499 Mr. Vanarsdall - Explain what you thought he was going to talk about.

500

501 Mr. Condlin - Well, I've got his e-mail, but I would need a few minutes on that as well. I  
502 don't need to take the whole time. Once I get going, I am hard to stop. I just wanted to explain a  
503 couple of things. When this property was rezoned, which I believe most members of the Planning  
504 Commission were here when that rezoning occurred, we had actually proffered a concept plan and  
505 this is the first implementation of that concept plan, and it is not unlike many other developments in  
506 the County where the concept plan gets phased and you develop it incrementally over time. This Jiffy  
507 Lube is the first part and it fits within the concept plan and we will be able to provide the rest of the  
508 development as we have proffered, including providing access to that rear piece that you see that is  
509 O-1. Even though O-1 goes all the way to Quioccasin, the property in question is actually the O-1  
510 and just a touch of the B-1, but it is completely in the back. It does not touch Quioccasin Road.  
511 When we had made our application for the rezoning, we did a title search and we took a look at the  
512 title on the problem piece was that back piece, and I am going off of memory here, but my memory  
513 says that there was a grandfather who owned it and passed away without a will, and from there on all  
514 of his children owned it at that point, as the law of Virginia says. When all of those folks passed  
515 away, then it went down to the next generation. We had at last count over 40 people that we  
516 identified and another about 40 that we could not identify, as to whether they were alive or where  
517 they were located. We just found them in various documents. The tax records said that there was an  
518 estate and Mr. Arthur Price was handling the estate. There was also, he had been paying taxes on  
519 that property for a number of years. Our title record said that Arthur Price had the right to sign on  
520 behalf of the estate. From that point forward, we had another law firm do that title search, and based  
521 on that we made application as contract purchaser. Unfortunately, the back piece did not work out  
522 with the contract purchase as part of the obligations when there is no will when the property is  
523 passed through generations. We had to go to court and have a petition suit. That was advertised and  
524 some folks objected to that. Some people changed their minds, and the contract got terminated.  
525 That was unfortunate. We are still hopeful that we can put the whole property together once we go  
526 forward with this POD and start generating some energy on this property and put everything back

527 together, at some future point. Whether we do or someone else does, this POD doesn't prohibit that.  
528 We have met all technical requirements for the POD. I don't think there are any conditions that the  
529 staff is concerned with. We are willing to accept all conditions as proposed by staff and we think  
530 that it is appropriate to move forward today as it has already been deferred once from the December  
531 meeting. I think I am under four minutes and I will be happy to answer any questions at this time.

532

533 Ms. Ware - So the contract for the back piece, O-1C, is terminated?

534

535 Mr. Condlin- That is correct. There were a number of penalties associated with that  
536 termination, which is probably not relative, but yes, it was terminated, because at the time of the  
537 court case some folks, you advertised it as is required by law to find out if there is anybody that we  
538 missed through the title work, looking through all the documentation and public records, and some  
539 folks came up and objected, and they would not release their interest in the property. So, the suit got  
540 withdrawn and some folks changed their mind, who were pushing for the contract, then just changed  
541 their mind and would not support that lawsuit anymore.

542

543 Ms. Ware - And when did this happen?

544

545 Mr. Condlin - I can't remember. Doug, do you remember when that lawsuit was? It was  
546 about a year ago, April of 2002 was when the lawsuit was withdrawn at that point. We had done all  
547 of the - Spring of last year was when we started the suit.

548

549 Ms. Ware - And there were 40?

550

551 Mr. Condlin - There were 40 we had found that we had signed off on the contract that gave  
552 us a right to apply for the rezoning, and then what we estimated was probably about half of the folks  
553 and we couldn't find another half of the people either. They were referred to as Mr. X's children, but  
554 we couldn't find their children. There were three generations of folks that we were trying to track  
555 down that were all over the United States. We spent quite a bit of time trying to track everybody  
556 down.

557

558 Mr. Jernigan - Mr. Condlin, was Mr. Price the Executor?

559

560 Mr. Condlin - Yes, sir. He was on the tax records. He was executor of the estate. They had  
561 paid taxes on this property. He was under control. He had been working with a realtor. That is how  
562 we got in contact with them. He was the first person to sign the contract and get all of the other heirs  
563 involved. It is my understanding by Virginia law, and this has been checked, as my understanding by  
564 the County Attorney, but Virginia law says that when you pass, without a will, real estate  
565 automatically vests in your heirs unless the estate needs it. It was my understanding that this was one  
566 of the few assets of the estate, and the executor had taken it and pulled it into the estate, which he is  
567 allowed to do by law, and was in control of the real estate. He had the right to sell it to help pay for  
568 liabilities. I don't know anything about the estate, because I didn't get involved in that, but that was  
569 what the executor had expressed to us, that the title company was satisfied with that, that we would  
570 just have to go through the petition suit and get that done. And that is why we had a power of  
571 attorney from the executor to do the zoning, and again, this has been checked and it was done

572 through the rezoning. This question came up and the County Attorney had taken a look at this as  
573 well.

574

575 Mr. Marlles - This is where I would add that information documentation is in the rezoning  
576 file, as well, the power of attorney to Mr. Condlin for authorization to file the rezoning.

577

578 Ms. Ware - So that the Planning Office is comfortable with the documentation in the  
579 rezoning as it is?

580

581 Mr. Marlles - Yes, ma'am.

582

583 Ms. Ware - OK. All right. Thank you. We will be back to you in a little bit.

584

585 Mr. Jernigan- Are there anymore questions for Mr. Condlin from the Commission? Ms.  
586 Ware.

587

588 Ms. Ware - Do you want to hear from the opposition?

589

590 Mr. Jernigan - Oh, I am sorry. Yes, sir, would you come up front, please. State your name  
591 and address for the record.

592

593 Mr. Mark Collins - Yes, my name is Mark Collins. My address is 100 LaSalle Street, Apartment  
594 16D, New York, N.Y.

595

596 Mr. Jernigan - Mr. Collins, you have 10 minutes.

597

598 Mr. Collins - OK. To correct Mr. Condlin first off, Arthur Price is not the executor of the  
599 estate. Arthur Price is my grandfather, who died about 40 years ago. I am one of the heirs, grandson.  
600 There is no executor. The person who signed to participate in this rezoning was my cousin. His  
601 name was Willis Pollock. There are about 30 heirs to the property, about 10 of those had tentatively,  
602 as I understand it, tentatively agreed to sell this property to Jiffy Lube before the rezoning, so they  
603 knew that there were other heirs involved as I understand the law, and I am not a lawyer. It is, as he  
604 said, a co-tenancy arrangement, as heirs, and Willis Pollock was paying the taxes, by verbal  
605 agreement, since there were so many people involved. We thought it was impractical that you'd get  
606 a check for \$35, \$15, from 30 different people, so he paid the taxes with the understanding of the  
607 family that money would get paid back to him if ever the property was sold. He had no right to  
608 authorize that sale. I am against this POD, and because the property has been rezoned, it would be a  
609 material, a negatively material consequence to our property that was originally zoned with that  
610 original plan of development that included the back property, and our property which is in the back  
611 and does have an easement onto Quioccasin Road through the LaPetite property. I don't know how  
612 you refer to it on your information. And so, that is basically why I am against this POD – that it  
613 originally was only one of the heirs, who had a very minority share of the property, had signed to  
614 participate in this rezoning, and there are not 40 or 80 people involved in this. There are about 30  
615 people, and when we saw what was going on, we saw that this was incorrect, and at this point, as I  
616 understand, and the POD, just so I will know, I hope you do take that address down because I only

617 happen to know about this on Monday. This was addressed to Arthur Price, to my address, but  
618 without my apartment. I live in a 21-story building with 160 apartments, and it just happened to be  
619 sitting in the lobby, so I shot down here last night and just got here five minutes ago. That is my  
620 objection to this POD and actually I will be seeing an attorney after I leave here in regards to this  
621 matter. And I hope it gets deferred or continued or however this is done, so at a later point someone  
622 with more legal experience can speak for me or speak with me, or whatever. That's all.

623

624 Ms. Ware - Are you in touch with the other property owners of that portion?

625

626 Mr. Collins - Some. We are all over the country. Some are in Florida, California, New  
627 York, Virginia, Washington, D.C. and Atlanta, Ga.

628

629 Ms. Ware - How many are with you as being opposed to?

630

631 Mr. Collins - About a third, about 35% have my direct support on this property. I, myself,  
632 own almost 20% of this property. The person who signed for this owns about 5% of this property,  
633 but the people are totally with me, about 35% and the others are waiting to see what happens with  
634 what I do.

635

636 Mr. Vanarsdall - Mr. Collins, I understand what you are talking about and where you are  
637 coming from, but you understand that this has already been rezoned.

638

639 Mr. Collins - Yes, I do. And I am saying that the rezoning was done in – in one point it was  
640 done improperly, and that is why I am...

641

642 Mr. Vanarsdall - But it was done in 1984, wasn't it, Mr. Secretary?

643

644 Mr. Collins - The rezoning was last year.

645

646 Mr. Vanarsdall - Was it last year?

647

648 Mr. Marles - Yes, sir.

649

650 Mr. Vanarsdall - I don't know why I thought it was further than that.

651

652 Mr. Collins - And I didn't even know about it until 2002 when the taxes, because right after  
653 it was rezoned, Willis Pollock, who had been paying the taxes, signed this thing that said he wasn't  
654 going to pay taxes anymore. It went from \$500 and something a year to about \$2900, and it came on  
655 to me to pay taxes, and then it was reassessed, and I found this out last Spring, when the tax bill  
656 came, and it was like, you know, so that I started, that is when I found out that it had been rezoned.

657

658 Mr. Vanarsdall- What I was going to tell you was that it has already been rezoned and if the  
659 applicant meets all of the criteria and meets all of the County Code, it is hard for us to do anything.  
660 It is difficult. I am not saying that we can't. It is difficult for us to do anything.

661

662 Mr. Collins- Well, OK. I thought it was all owners of a property had to sign for an  
663 application. I am sorry to interrupt you.

664

665 Mr. Jernigan - Mr. Collins, what Mr. Vanarsdall is saying is that by State Law once a  
666 property is zoned, and we have a valid POD that meets all of the criteria and ordinances of the  
667 County, we can't deny it. Now, a deferral on this, this is going to be a long-time run. This isn't  
668 going to be something that is going to happen overnight. So, as Mr. Vanarsdall stated, the zoning  
669 was the time this should have been addressed, and I think, I am not going to speak for Ms. Ware, but  
670 I believe you seeing an attorney this afternoon, that you are going to have to seek relief from the  
671 court rather than from the Planning Commission, and I think the attorney will agree with that and  
672 guide you on that way.

673

674 Mr. Collins - Sure. I would have participated with this when the rezoning process was  
675 done, but I had no idea. I am just objecting to this, since I did happen to see it, because even if it was  
676 rezoned, it doesn't follow the original plan that that proffered conditional rezoning was supposed to  
677 be, development on the site, with the five, I believe it was five total parcels. This is a change of that  
678 proffered condition development, as I understand it.

679

680 Mr. Archer - Mr. Collins, did I understand someone to say that there was no will involved  
681 in the disposition of this property?

682

683 Mr. Collins - Yes, sir.

684

685 Mr. Archer - Because I heard the term executor used, and normally there is no executor if  
686 there is no will.

687

688 Mr. Collins - There is no executor.

689

690 Mr. Archer- The court would appoint an administrator, but not an executor.

691

692 Mr. Collins - There is no executor.

693

694 Mr. Archer - OK. Well, there wouldn't be without a will. That is why I was asking.

695

696 Mr. Collins - So that information was incorrect. There is no executor. We all are family  
697 members who own proportional shares based on however many children were in our family of this  
698 property.

699

700 Mr. Archer - So who is it that is acting in this capacity as an executor then?

701

702 Mr. Collins - Well, there is none. Like I said, Willis Pollock, who is my cousin, had been  
703 paying taxes for about five years. Before that, my grandmother, acting for my grandfather, and then  
704 my grandmother died in about in 1982, and my grandfather in 1975, and since then, different people  
705 have paid taxes. And then we sold a piece, like for instance, this LaPetite piece. We sold it. Then,  
706 the person who had been paying the taxes they got their money that they had put in taxes back from

707 the rest of us, and that was the general agreement with the family at this point for the last five years.  
708

709 Willis' father had been paying the taxes, but any decisions based on the property were typically a  
710 family decision. If somebody wanted to do something, there would be a call. We participate. We  
711 might have family reunions here in Richmond and, you know, like I was raised in Richmond. We all  
712 were. We come back here. This is the homestead, so that is generally how it works. He did this on  
713 his own. They came to him and he came to them, and whatever happened, and out of the blue this  
714 happened.

715

716 Mr. Archer - So you do understand what my colleague is saying when they indicated that  
717 once the zoning process takes place, that this is sort of a formality that we go through to make sure  
718 all of the development standards are met when the development is done. Do you see any way that  
719 you think that there is an argument that you could present against that being done at this point? Or is  
720 it just that you don't have enough knowledge of it right now to understand it?

721

722 Mr. Collins - Well, I guess the limits of my understanding, from what the other gentleman  
723 said, was that this is basically a court case as opposed to a Planning Commission case, from my point  
724 of view, and that the only thing I can offer here is I have to look at this as the rezoning is a done deal,  
725 and that I would have only have an objection if it dealt with something in particular to how they  
726 wanted to develop this piece, and the only way I would see is that as far as that is concerned is that  
727 when the original rezoning was done, there was a development plan that involved about five parcels,  
728 which included our parcel, and that this is a scaled down version and to not include our parcel in that  
729 version would materially affect our property. Originally it was residential property and now, as it  
730 was pointed out, it is in the back and basically cut off and so, we've have basically been cut off.

731

732 Mr. Archer - You know, I am trying to defer somewhat to the extent that you traveled a  
733 long time to get here, and I think we owe you at least the benefit of a clearer understanding as you  
734 can get, if you drove all night to get here this morning. Do you see anything, any benefit, that would  
735 be derived from delaying this as far as the implementation of the POD process is concerned?

736

737 Mr. Collins - I am not that knowledgeable in how this works.

738

739 Mr. Archer - I mean just based on what you have heard here, knowing how this process  
740 works. In other words, our job is to make sure that they don't develop anything on this property that  
741 is not legal and doesn't meet the County standards.

742 Mr. Collins - Well, my position would be that if they got the POD, they started developing  
743 the commercial property, I had started the lawsuit, and the rezoning was found to be whatever the  
744 legal term is, fraudulent and in error or whatever...

745

746 Ms. Ware - Invalid.

747

748 Mr. Collins - Then, I would assume that would revert our property back to residential. There  
749 are other issues relating to buffers and such. It would just, an Oil Company abutting our property,  
750 etc., I don't know. I don't know how much that would affect it if there was a commercial property  
751 abutting our residential property, if indeed we were successful in the lawsuit.

752

753 Mr. Vanarsdall - Well, Mr. Marlles, excuse me.

754

755 Mr. Archer - I was just going to suggest, and this is just a suggestion, or maybe an inquiry  
756 of the Chairman, it seems as though this is not going to be the end of this today, and I am just  
757 wishing that we could get into a position where we could make this as least strenuous as we can, and  
758 I don't know if a deferral would help in this instance, and if it wouldn't, we probably should go  
759 ahead and proceed if it would. Then, I think, we owe this gentleman something for having traveled  
760 as far as he did.

761

762 Mr. Jernigan - Well, I am sitting here and talking to Mr. Marlles, and I understand his  
763 position.

764

765 Ms. Ware - Can I say a few things that have been done with this POD in order to actually  
766 give you access to your property. I will tell you what, why don't I have Ms. Goggin come to the  
767 podium and if you will just have a seat right there, we will talk about some of the things that have  
768 been done, to this point, based on the plan of development. Do you want to go over the outfall issue  
769 as it relates to the other properties as well as the grading and easements?

770

771 Ms. Goggin - I will touch briefly, but for more detailed answers I would like to defer this to  
772 someone. Basically, the POD that is in front of us today is wholly situated on Lucor property. It  
773 does not overlap onto any adjacent properties. It is freestanding. It can support itself, but, you know,  
774 if nothing else around it was zoned, it could be OK.

775

776 One thing that we are requiring the applicant to do is to provide a cross access ingress/egress  
777 maintenance agreement to allow the property to the south to be able to get to Quioccasin Road.  
778 Right now there are no ingress/egress easements, so there is no direct access onto that road.  
779 Hopefully, this POD would help address public access issues. And briefly, when it comes to the  
780 drainage, the previous POD that was submitted, or the first one that you got in your packet showed  
781 above-ground detention with the outfall going onto the southern property in a wetlands area. The  
782 newly designed POD shows underground detention, with discharge going west onto the Quioccasin-  
783 DMV area, so the property isn't even affected by water outfall. It is not even going in that direction.  
784 And the master grading plan helped insure that whatever fill was put in to make Jiffy Lube the same  
785 grade as the rest of the properties wouldn't adversely affect any others, and cause additional drainage  
786 to go onto adjacent properties because of topo or elevations. Like I said, I would like to defer to  
787 Public Works, if there are more detailed questions with grading or drainage, but we've really tried to  
788 make this property be able to be self sufficient and be able to stand on its own without burdening any  
789 adjacent properties while also providing before a final C.O. ingress/egress easements to the currently  
790 landlocked parcel to the south.

791

792 Ms. Ware - Do you all have any questions concerning the drainage?

793

794 Mr. Vanarsdall - Well, I wanted to ask Mr. Marlles, Mr. Collins, the right to appeal would go to  
795 the Board of Supervisors, wouldn't it?

796

797 Mr. Marlles - That is right. That is correct. Appeal for PODs do go to the Board of  
798 Supervisors.

799

800 Mr. Collins, I do have a question for you if you don't mind coming to the podium. Have you and/or  
801 the rest of the heirs had an opportunity to talk about what you would like to do to develop your  
802 property in terms of future development? Do you have any ideas at this point?

803

804 Mr. Collins- Well, at this point this whole thing has caused a riff within the family and  
805 there is a kind of general animosity bothering the person who originally signed this thing, this  
806 application with Mr. Condlin. Some want to be done with it and say, "Let's get rid of this property.  
807 Let it go." We hadn't realized that originally our great great grandmother from about 1874 had  
808 started buying up property in Henrico, and some of us had ideas of maintaining this as a place that  
809 we would eventually have back as a homeland. This is where my grandparents lived the last people,  
810 but at this point, there is so much division in this whole thing, a lot of folks are like "Let's just cut it  
811 and move on" – so we haven't decided whether, you know, they were going to try to buy it again or  
812 not. At this point we have not decided because of this involvement with this application, the original  
813 rezoning application.

814

815 Mr. Marlles - So from a use standpoint, you really can't say whether this particular use  
816 would have an adverse impact on your family's property, because you really haven't come to a  
817 consensus as to what you want the property to be developed for in the future?

818

819 Mr. Collins - No. The original idea was to keep it as residential, that people. We had a  
820 home there that burned down, and that we would, at some point, build another home that different  
821 people in the family would have use of this home, whoever would need it, and that is what it  
822 originally was supposed to stand as, but this one person went and did this thing, and that is what  
823 happens, and so that messed that whole idea up. And so that kind of got a few ornery people down  
824 here in the family, and I am probably one of the ornery people that are not down here, but, so yeah.  
825 The original idea was to maintain as residential and at some point have a home for the family. At  
826 this point, it is rezoned commercial, and you know this whole thing is screwed up. People are angry  
827 at each other, and some people haven't talked to each other since this lawsuit came out, and we were  
828 just thinking, ideally if these folks would buy it back at a proper and just price, and so we can start  
829 saying, forget that and move forward with our life. But, you know, I don't know how that is going to  
830 happen.

831

832 Mr. Jernigan- Thank you, Mr. Collins.

833

834 Mr. Marlles - Mr. Chairman, we have not heard from Mr. Condlin yet. He has seven  
835 minutes of rebuttal time, but I think that it is staff's position that this really is a civil matter, perhaps,  
836 and there may be some recourse that Mr. Collins can pursue. He certainly has the right to appeal the  
837 POD to the Board, if he determines that is his proper action, but I think you stated what the role of  
838 the Commission is in this situation, and with that I would suggest that we might want to turn to Mr.  
839 Condlin for rebuttal.

840

841 Mr. Condlin - Thank you, Mr. Marlles. I would echo quite frankly what Christina had said

842 about the property was really my only point I wanted to make with you is that this property, that we  
843 worked very hard so that we would have no impact on the surrounding property, remain consistent  
844 with the concept plan which was proffered and provided ability to have access out to Quioccasin  
845 Road. I believe they have another easement across LaPetite Child Care Center which is next door,  
846 but this would provide an access as well, so it is another further benefit to their property from that  
847 standpoint, so I don't see any negative consequences to their property.

848

849 I am not going to rehash all of the issues with respect to the rezoning. They have been looked at by  
850 another law firm, who is doing the title work. I think you are probably correct, Mr. Archer. I was  
851 using the term executor when I should have said administrator, but I believe at some point, you  
852 know, there are just a lot of people here. We had close to 15 people from looking through my notes.  
853 I wasn't handling the contract, signed the contract and we had well over 40 people that were  
854 identified that were potential heirs that we couldn't find. So, we did what we could. We did what  
855 was right by the law, which was allowed by the tax record, was where the notice went out, by the  
856 title report, who we thought had control of the property and whether that is true it is still up in the air  
857 as to really is in control of the property. And that is one of the reasons why the contract fell through.

858

859

860 Again, this is a POD. This is not the rezoning. This has already been deferred once through a lot of  
861 work. We have done a lot of additional work to make sure that we are not harming the adjacent  
862 property. Mr. Roane has come up from North Carolina twice now just to make sure that we are able  
863 to develop this property, and we think that it is appropriate at this point to move forward because we  
864 have met all of the requirements of the County for POD purposes and we are willing to accept all  
865 conditions. I will be happy to answer any questions.

866

867 Mr. Archer - Well, Mr. Condlin, I was not trying to criticize the validity of the POD. I was  
868 trying to make sure Mr. Collins had an understanding of what our process was and why this  
869 particular process exists, and maybe in some way it does have a valid point to bring, that it would  
870 assist him when he does whatever he decides.

871

872 Mr. Condlin Absolutely. I will for the record provide you, and I apologize that I don't have  
873 a letter from Mr. Collins, but this is a letter I had sent to Mr. Collins back in October of last year  
874 explaining and probably misusing the term "executor" again, but explaining the whole process of  
875 what we went through, but I just think that is part of the record and the Planning Office has a copy of  
876 that as well for that purpose. Mr. Collins probably left New York to come down here to get warm  
877 and got a...

878

879 Ms. Ware - It didn't work.

880

881 Mr. Condlin - No. Not at all.

882

883 Ms. Ware - So, in going through the rezoning process, you firmly believed you had done  
884 all that was legally necessary?

885

886 Mr. Condlin - And I don't have a copy of the application, but I just passed my letter. I think

887 it is Mr. Pollard who signed at executor. That is what he signed as, and again I am going off on  
888 memory on that, two years ago, but that is how they signed and that is how it was shopping up in the  
889 title report, and that is how it showed up in the tax records. So, based on all legitimate information,  
890 based on the contract that we had which gave us authority for all of the known heirs, we thought we  
891 had it, and technically by law, if you own property by co-tenants, you can bind your other co-tenant.  
892 One person can bind the other no matter how small the interest, so that is our final result as to why  
893 we think that one co-tenant, as long as they can bind it, we did the best we could to find all other co-  
894 tenants through the tax records and everything.

895

896 Ms. Ware - When you say bind it?

897

898 Mr. Condlin - Bind it. Bind the others.

899

900 Ms. Ware - So if they sign they have bound the others by law.

901

902 Mr. Condlin - Potentially by law. When they choose to pave the parking potentially, there  
903 are some exceptions to that rule, but again that is some of the research that we had gone through and  
904 the County Attorney had checked us on that, it is my understanding.

905

906 Ms. Ware - All right.

907

908 Mr. Archer - Mr. Condlin, you are saying then that the legal records that refer to this  
909 property did name a certain person as an executor?

910

911 Mr. Condlin - Again, I am going off, because unfortunately most of the time I handle both  
912 the real estate transaction and the zoning, so I really get involved with it. In this case, another law  
913 firm was handling the transaction and they had done the title search. I am going off memory and I  
914 didn't bring those files with me, but yes, the title reports came back and name this person as executor  
915 of a woman's estate, and it is on the letter that I just passed out with Mary Price Pollard. Yes, it listed  
916 her and she was an heir of Mr. Pollard, and Mr. Pollard was an heir of, literally we have four or five  
917 generations of folks that had died without wills that we were trying to find, which is not uncommon,  
918 quite frankly, in family held property to find that, and that is the best that you can do, and that is why  
919 you file a petition suit and that is when things fell apart after that.

920

921 Mr. Archer - And then again, I am not quibbling with the POD, but that part troubles me.  
922 How can they refer to a person as an "executor" when there is no will.

923

924 Mr. Condlin - Trust me, it troubled us, and we put – and that is what we had, and I can dig  
925 up that information and I will happy to supply it again to the Planning Office. We supplied all of  
926 that to Mr. Tokarz of the County Attorney's office and then we drafted this letter, so, again we will  
927 go through all of that and we double-checked ourselves based on all of that.

928

929 Mr. Jernigan - Any more questions for Mr. Condlin? Thank you, sir. Ms. Goggin, what was  
930 the date of the zoning on this?

931

932 Ms. Goggin - April 17, 2001.  
933

934 Mr. Marlles - Mr. Chairman, I think the question you are going to ask is “Does Mr. Collins  
935 have the opportunity to file an appeal on the original rezoning?” We don’t have a State Code Book  
936 with us right now to be able to answer that question or how long that appeal period is, but Mr.  
937 Collins, that is something I am sure your attorney can look into, whether or not you are within the  
938 period of time allowable under the State Code to file an appeal of the original rezoning that was  
939 approved by the Board of Supervisors. That appeal would be to Circuit Court. I can tell you that  
940 much. But I can’t tell you off the top of my head what that appeal period is, and your attorney can  
941 look into that.

942

943 Mr. Archer - Mr. Condlin, while the Chairman is speaking, I would like to suggest to you  
944 that you might want to look into how anybody could have been named “executor” of this property  
945 without there being a will. This doesn’t have anything to do with the POD. This thing stands on its  
946 own. But in terms of what it is that I think you are trying to do.

947

948 Mr. Collins - Right. And as far as this letter that Mr. Condlin just gave you, Willis is the  
949 executor of his mother’s estate, for Mary Pollard. But Mary Pollard is not Arthur Price, and Arthur  
950 Price was Mary Pollard’s father.

951

952 Mr. Archer - But somebody did have a will? Is that what you are saying?

953

954 Mr. Collins - I don’t know if Mary had a will, but she didn’t own all of that property.  
955 Whatever piece of that property she owned, her son then, I guess, I don’t know, I can’t say with my  
956 hand on a Bible, but I assume he is in charge of her estate when she died. But her estate and Arthur  
957 Price’s estate are two separate estates.

958

959 Mr. Archer - Well, the only point I am trying to make is that you cannot have an executor if  
960 there is no will. The court will appoint an administrator and the heirs will generally agree on who  
961 the administrator will be, but an executor has, I would think, a little bit more authority than an  
962 administrator has. And if there is no will, there is no executor, or executrix, whatever the case might  
963 be.

964

965 Mr. Collins - As I understand it, she didn’t have a will; I know my grandparents did not  
966 have a will when they died. My great great grandmother was the only one, until me, I guess, but I am  
967 not dead, but I will leave a will. But, as I understand it, my Aunt Mary didn’t have a will and if  
968 anything, he would probably be an administrator, but as I understand it, she did not have a will. But I  
969 can’t be sure on exactly that. I just know...

970

971 Mr. Archer - I don’t want to confuse you. It does not have anything to do with the Plan of  
972 Development, but it is something that I think you need to know.

973

974 Mr. Collins- Yes, sir.

975

976 Mr. Jernigan - Mr. Collins, I want to thank you. I know it is a long trip from New York down

977 here, and we understand your position, but after talking with Mr. Marlles, we have to act on this,  
978 either approval or denial, and I think, and, of course, I want you to realize, too, even after the POD,  
979 whether it is passed or denied, they still have to get a building permit, so there is time in there for  
980 you to act. But I mean the law requires us to do certain things. Once it has passed the zoning stage  
981 and when it comes to us, this is fine line. The zoning was the big decision. So, I just want you to  
982 know that we feel for you, but we have to do what we have to do, too, and I suggest that you would,  
983 with your lawyer, probably you will have to take this to the Circuit Court and seek relief there on  
984 whatever. This thing could go on for a long time, because it is a lot of people involved in it. But we  
985 do appreciate your coming.

986

987 Mr. Collins- All right. Thank you.

988

989 Mr. Jernigan - Ms. Ware, if you think you are ready. First of all, are there any other  
990 comments from the Commission? OK.

991

992 Ms. Ware- Well, Mr. Collins, I do appreciate your coming such a long way for this and I  
993 am glad you have done so because it might precipitate some answers to some questions that I think  
994 have been troubling since I took my position on the Planning Commission, and have been working  
995 with this case, because it has been discussed a lot, and it is very disconcerting that there are still  
996 some questions out there concerning the rezoning of the case. One thing, I just want to state for the  
997 record is that it is customary in Henrico County for property to be developed in pieces or in phases.  
998 Right, Mr. Marlles?

999

1000 Mr. Marlles - Yes, ma'am.

1001

1002 Ms. Ware - And that is what is happening here. This – your piece of property and the  
1003 piece of property that is proposed to be the Jiffy Lube is all a part of one large rezoning case that  
1004 took place in 2001. It is a very good case and I feel it would be a positive development for that area  
1005 of Henrico County, and also, as Mr. Marlles stated before, that the Planning Office does recognize  
1006 the validity of the zoning that is now in place. Staff and I have made sure that you do have access to  
1007 your property through the part that is being redeveloped at this point, that the drainage isn't going to  
1008 affect your property in a negative way, and that the grading that takes place will not do so either. So,  
1009 based on that information, and one more thing I would like to say, that I hope as this development,  
1010 the development of this property moves forward, and this is for Mr. Condlin, as well, that the various  
1011 property owners will really try to work together to insure that the plans that are approved for this  
1012 rezoning come to fruition and that they conform to the master plan as it is at this point, because this  
1013 is a positive case.

1014

1015 So, with that, I move that POD-84-02, Jiffy Lube – 9215 Quioccasin Road, be approved subject to  
1016 the standard conditions for developments of this type, and the following additional conditions, Nos.  
1017 9 and No. 11 Amended, and Nos. 23 through 39, plus staff recommendation on Page 1.

1018

1019 Mr. Vanarsdall - Second.

1020

1021 Mr. Jernigan - We have a motion by Ms. Ware and a second by Mr. Vanarsdall. All in favor

1022 say aye. All opposed say no. The ayes have it. The motion carries.

1023

1024 The Planning Commission approved POD-84-02 – Jiffy Lube – 9215 Quioccasin Road, subject to  
1025 the standard conditions attached to these minutes for developments of this type, and added  
1026 conditions Nos. 9 and 11 Amended and Nos. 23 through 39, plus staff recommendation on the  
1027 Addendum, Page 1.

1028

1029 **9.** **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1030 review and Planning Commission approval prior to the issuance of any occupancy permits.

1031 **11.** **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
1032 depictions of light spread and intensity diagrams, and fixture and specifications and mounting  
1033 height details shall be submitted for Planning Office review and Planning Commission  
1034 approval.

1035 **23.** The right-of-way for widening of Quioccasin Road as shown on approved plans shall be  
1036 dedicated to the County prior to any building permits being issued.

1037 **24.** The required building setback shall be measured from the proposed right-of-way line and the  
1038 parking shall be located behind the proposed right-of-way line.

1039 **25.** The developer shall provide fire hydrants as required by the Department of Public Utilities  
1040 and Division of Fire.

1041 **26.** A standard concrete sidewalk shall be provided along the south side of Quioccasin Road.

1042 **27.** Employees shall be required to use the parking spaces provided at the rear of the building(s)  
1043 as shown on the approved plans.

1044 **28.** All repair work shall be conducted entirely within the enclosed building.

1045 **29.** Outside storage shall not be permitted.

1046 **30.** The proffers approved as a part of zoning case C-15C-01 and provisional use permit case P-  
1047 2-01 shall be incorporated in this approval.

1048 **31.** The certification of building permits, occupancy permits and change of occupancy permits for  
1049 individual units shall be based on the number of parking spaces required for the proposed  
1050 uses and the amount of parking available according to approved plans.

1051 **32.** Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
1052 acceptable to the County Attorney prior to final approval of the construction plans.

1053 **33.** Deviations from County standards for pavement, curb or curb and gutter design shall be  
1054 approved by the County Engineer prior to final approval of the construction plans by the  
1055 Department of Public Works.

1056 **34.** Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage  
1057 plans.

1058 **35.** Insurance Services Office (ISO) calculations must be included with the plans and contracts  
1059 and must be approved by the Department of Public Utilities prior to the issuance of a building  
1060 permit.

1061 **36.** Approval of the construction plans by the Department of Public Works does not establish the  
1062 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
1063 will be set by Henrico County.

1064 **37.** Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1065 Planning Office and approved prior to issuance of a certificate of occupancy for this  
1066 development.

- 1067 38. The location of all existing and proposed utility and mechanical equipment (including HVAC  
 1068 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
 1069 identified on the landscape plans. All equipment shall be screened by such measures as  
 1070 determined appropriate by the Director of Planning or the Planning Commission at the time  
 1071 of plan approval.
- 1072 39. The easements for drainage and utilities as shown on approved plans shall be granted to the  
 1073 County in a form acceptable to the County Attorney prior to any occupancy permits being  
 1074 issued. The easement plats and any other required information shall be submitted to the  
 1075 County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.  
 1076

1077 **PLAN OF DEVELOPMENT**

1078

POD-01-03  
 Strasser Car Wash –  
 Pump Road

**Balzer & Associates, Inc. for M. James and Joan M. Wallace and Trafco, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 1,800 square foot car wash. The 1.00 acre site is located on the western line of Pump Road, approximately 280 feet north of the intersection of Church Road and Pump Road on parcel 739-755-3445. The zoning is B-3, Business District. County water and sewer. **(Three Chopt)**

1079

1080 Mr. Marlles - The staff report will be given by Michael Cooper.

1081

1082 Mr. Jernigan - Is there any opposition to POD-01-03? No opposition. Good morning, Mr.  
 1083 Cooper.

1084

1085 Mr. Cooper - Good morning, again, members of the Commission. You are being handed  
 1086 out a revised site map showing the correct proposed location for John Rolfe Parkway and the  
 1087 realignment of Pump Road. The previous site map you had received had the incorrect location of  
 1088 that. This plan is for a one-story, 18,000 sq. ft. car wash. As described to staff by the applicant, the  
 1089 car wash is an automatic touch-free system and it is one of the newest models on the market. The  
 1090 exterior of the building is red brick and has a green standing seam metal roof. While reviewing the  
 1091 plans, staff had concern for noise from the proposed development and its impact on the adjacent  
 1092 residential district. The applicant has worked with staff to insure that noise levels will be at a  
 1093 minimum. First, the applicant has maintained a 35-foot transitional buffer along the northern  
 1094 property line, adjacent to the neighborhood, and has agreed to landscape the buffer beyond the  
 1095 normal code requirements in order to provide a substantial visual and audible screen. Second, the  
 1096 applicant has agreed to an all brick building which will better contain the noise within the building.  
 1097 As well, no windows are proposed on the side of the building facing the neighborhood, which will  
 1098 further minimize visual and audible impacts. Finally, the owner has agreed to provide sound  
 1099 suppression equipment on various components of the car wash system where possible. Additionally,  
 1100 there are six vacuums proposed on the north side of the building. The vacuums are approximately 65  
 1101 feet from the northern property line with 35 feet of that 65 feet being the required 35-foot transitional  
 1102 buffer. Again, with the applicant agreeing to provide dense evergreen landscaping in this buffer,

1103 staff feels the distance between the vacuums and the property line is sufficient. Furthermore, staff  
1104 has recommended that the applicant meet with and work with the adjacent neighborhood prior to  
1105 submitting a landscape plan to the County. In general, staff feels that this plan will provide an  
1106 attractive car wash and with the cooperation of the applicant will be substantially screened from the  
1107 adjacent neighborhood. With that, staff can recommend approval. The applicant and his engineer  
1108 are here today if you have any questions for them, and I'd be happy to answer any questions as well.  
1109

1110 Mr. Jernigan - Are there any questions for Mr. Cooper from the Commission?

1111

1112 Mr. Vanarsdall - There wasn't any opposition, was it?

1113

1114 Mr. Jernigan - No, sir.

1115

1116 Mr. Taylor - I have a question that I would like to ask Mr. Cooper, if we ask the applicant,  
1117 or if you have it, if we can present the elevation, the colored elevation that we looked at this  
1118 morning, so that the other members of the Commission can benefit from it.

1119

1120 Mr. Cooper - Sure, that is fine. And just for the record, I know that two adjacent  
1121 homeowners are here. I don't know if they have anything to say, but they are in the audience today.

1122

1123 Mr. Taylor - If you would, what I'd like you to do is describe the colors with the elevation  
1124 drawing, so the neighbors can see what it is and so the members of the Commission can see what it  
1125 is, and, this particular location is sensitive because it is going to be across from John Rolfe Parkway,  
1126 but there will be a park basically across Pump Road established as a part of the construction of John  
1127 Rolfe Parkway, so this is sensitive in that it is going to be close to the park, by the neighborhood, and  
1128 there are presently two service stations right in the general locality. But I think that the elevation  
1129 matches and has been agreed to by the community. Has the community seen the colored elevations?

1130

1131 Mr. Cooper - I can't speak to that. When I spoke to Mrs. Hertenstein, I did refer the colors  
1132 to her, but I did not have a colored rendering at the time.

1133

1134 Mr. Taylor - Is Mrs. Hertenstein in the audience? Ma'am, if you would, would you like to,  
1135 you have some time, if you'd like, to address the project. We'd be happy to hear from you, maybe  
1136 not at this particular time. I do want to see if you agree with the elevations and the colors, and then,  
1137 do we have a landscaping plan?

1138

1139 Mr. Cooper - We don't have a landscape plan yet. There has been no landscape plan  
1140 submitted with this plan of development. We have asked that the applicant meet with the neighbors  
1141 to develop a landscape plan or to work with them on that prior to submitting it.

1142

1143 Mr. Taylor - All right. Then, what I would like to do, Mr. Chairman, is hear from the  
1144 neighbors.

1145

1146 Mr. Jernigan - Do you want to hear from the applicant first?

1147

1148 Mr. Taylor - I am not sure the applicant cares to make any comments.  
1149

1150 Mr. Vanarsdall - We don't need to hear from the applicant if you don't want to.  
1151

1152 Mr. Jernigan - OK. Thank you, Mr. Cooper.  
1153

1154 Mr. Taylor - It might be better if we hear from Mrs. Hertenstein first, and then if there are  
1155 any comments, we will ask the applicant to address them. Mr. Strauss is right there in the front row.  
1156 Good morning, Mrs. Hertenstein.  
1157

1158 Mrs. Hertenstein - Good morning. Jody Hertenstein. I own the property at 11705 Timbermill  
1159 Lane. To start off with, when we did the notice in the mail last Saturday, or the Saturday before last,  
1160 we all were quite surprised to see that the current house behind our property was being proposed to  
1161 be demolished and a car wash going into that area. I, myself, did not realize that it was B-3. I had  
1162 been to the John Rolfe Parkway zoning meeting, since I owned the house over the last two years, and  
1163 I knew it was business zoned, but just didn't realize what effect that would have on my property. So,  
1164 it is all rather new. It, was, of course, upsetting to see that a home with trees and the birds and the  
1165 squirrels that we all love so much in the neighborhood, and that property would be developed into  
1166 whether it is a car wash or really any development back there. Now, the neighbors and I got  
1167 together, all upset and understanding a little bit more about the development and what it meant. I did  
1168 call Mr. Cooper and met with him last week. He was very informative and was able to bring me up  
1169 to speed on what the zoning and, no, we can't change the zoning, etc. etc., and he spent a good deal  
1170 of time with me reviewing the plans, reviewing all of the additional and all of what Mr. Strasser was  
1171 willing to do to take the neighborhood into consideration and to make it a little easier on all of us  
1172 because of that transition. Our big concern, of course, is the noise and the lighting. Mr. Cooper has  
1173 assured us that with the zoning, lighting wouldn't be an issue as maybe the noise, and Mr. Strasser  
1174 did say that he would be buffering that as much as possible. We were very concerned about the  
1175 vacuums being on the side of where our houses are, and I don't know if there is really anything that  
1176 they can do about that, but yet he has offered to do some screening, additional screening. And we  
1177 don't know what the landscape plan for that is, and, of course, as Mr. Cooper mentioned, we would  
1178 like to be involved with that. One of the concerns that we have, also in the neighborhood, was the  
1179 traffic. With the amount of traffic at that intersection currently coming out of our subdivision, or  
1180 even to the light, to add more congestion to that would not be of benefit. To wrap it all up, we know  
1181 it is B-3 and there is really not much that we can do about a business going in there, and it is our  
1182 hope that we work together with Mr. Strasser and, of course, with Mike and the Commission and just  
1183 try to make it the best that we can.  
1184

1185 Mr. Taylor - Now, the one thing that I want to mention with regard to John Rolfe Parkway,  
1186 while that is scheduled for construction, during construction will reroute a lot of traffic along Pump  
1187 Road, but eventually Pump Road will become less used because most of the traffic that flows along  
1188 there will flow along John Rolfe Parkway. So the traffic along Pump Road will be mostly neighbors,  
1189 neighborhood traffic not the through traffic that you have now. Is that your summary from going to  
1190 the meetings that we have had on the John Rolfe Parkway?  
1191

1192 Mrs. Hertenstein - Yes. From what I understand, though, the road will not be finished, that

1193 section, for...beginning 2005?

1194

1195 Mr. Taylor - Well, I think their construction of the whole road is three years, but I have not  
1196 seen any schedule of what segments will be developed in what sequence, but there will be traffic  
1197 along Pump Road until that is completed, and that is probably two or three years. But when that is  
1198 completed, the traffic on Pump Road will be significantly reduced. Right across from that particular  
1199 area adjacent to Timbermill will be kind of a cut-off triangular section of land that is being  
1200 considered, will be a County parcel, and that is being considered to either be a buffer along John  
1201 Rolfe Parkway or as some kind of a park, so in the future, you will have the opportunity to look  
1202 forward to the fact that there might be a little park there. But traffic, at any rate, will along Pump be  
1203 reduced. And you will just have to be patient on that, but it will become a residential road along  
1204 there.

1205

1206 Of concern, and I have talked to Mr. Strasser a little bit, is the 35 foot buffer between your back  
1207 fence and his development, which will be parking, and then the vacuums, but we will talk to him in a  
1208 second. But, generally speaking, I am not sure that those are very loud, and there is a large  
1209 distance...how far is your house from the back property line that you will share with Mr. Strasser.  
1210 Do you know?

1211

1212 Mrs. Hertenstein - The house or the property?

1213

1214 Mr. Taylor - The house.

1215

1216 Mrs. Hertenstein - Sixty to 70 feet.

1217

1218 Mr. Taylor - Sixty to 70 foot backyard? OK. So, basically, if you take that backyard and  
1219 you take the buffer that you have, you will be about 100 feet away from the end of his buffer, and  
1220 then there is another 40 feet before you get to his building. So, you have 150 feet in there in terms of  
1221 distance.

1222

1223 Mrs. Hertenstein - My garden is right there, though on the line. I mean the house, yes, I  
1224 understand, but it is still livable space.

1225 Mr. Taylor - Yes, I understand that. But there will be a considerable distance in there and I  
1226 don't know what buffers are in there, but we are going to talk about that with Mr. Strasser. That is  
1227 all that I have.

1228

1229 Mrs. Hertenstein - Thank you.

1230

1231 Mr. Jernigan - Thank you, ma'am. Mr. Taylor, is the landscaping plan included in this POD?

1232

1233 Mr. Taylor - No, it is not.

1234

1235 Mr. Jernigan- Is it amended?

1236

1237 Ms. Ware - Are No. 9 and No. 11 Amended on there?

1238

1239 Mr. Taylor - No. Not yet. But one of the things we can do is add No. 9 and No. 11  
1240 Amended.

1241

1242 Ms. Ware - There seems to be a concern.

1243

1244 Mr. Vanarsdall - I think you should tell the lady that she would have another chance when it  
1245 comes back for landscaping.

1246

1247 Ms. Ware - If we amend those?

1248

1249 Mr. Vanarsdall - We have what we call No. 9 and No. 11 Amended, and that means that it will  
1250 come back here again for landscaping, and he is going to add that, too, and lighting.

1251

1252 Mr. Jernigan - All right. Mr. Taylor

1253

1254 Mr. Taylor - I would like to hear from Mr. Strasser now if I may. If you would come to the  
1255 podium to describe to us what he really plans in there. And, Mr. Chairman, if you would explain the  
1256 time limits to Mr. Strasser. I don't think he will be up there 10 minutes, but I am not sure.

1257

1258 Mr. Jernigan- Well, first there was no opposition, but then Mrs. Hertenstein spoke, but there  
1259 is 10 minutes, but I don't think you will use that much.

1260

1261 Mr. Strasser - Good morning. My name is Frank Strasser and I live at 14441 Goldenborough  
1262 Drive, Midlothian, VA. I am a southsider. What I am planning here is a 40 foot brick building.  
1263 First, let me talk about the length of the building. A typical car wash in this market is 32 to 35 feet,  
1264 and I have decided to build a bigger building and make it out of brick for one reason, and that is to  
1265 keep the noise inside the building. When I first talked to the Planning Department maybe six months  
1266 ago, my thought was to bring in a modular metal building, and I got the finger shake in my face,  
1267 saying you probably don't want to do that. So I amended my plan, made the building bigger, and  
1268 decided to use all brick and a metal roof. Obviously, it is a lot more expensive, but I went into this  
1269 process thinking "What would I like if I was the neighbor next door?" I guess the other thing is,  
1270 regarding the 35-foot transitional buffer, the way I understand the ordinance is, I could either put a  
1271 35-foot transitional buffer in or reduce that, at least ask for a reduction and put additional screening.  
1272 And again, I thought, what would I like if I was the neighbor, the bigger distance was what I thought  
1273 a neighbor would like. So, we have maintained that 35-foot transitional buffer and moved the  
1274 building as far as we could to the gas station, the other B-3 zoned property next door. That is it. If  
1275 you have any questions on the development, I will be glad to answer them, but we did try to take a  
1276 pro-neighbor approach to this project, understanding that it was B-3 unconditional.

1277

1278 Mr. Taylor - Thank you, Mr. Strasser. What I would like to ask is along the property line  
1279 between your property and Timbermill, is that fenced now or will it be fenced in the future?

1280

1281 Mr. Strasser - It is fenced now.

1282

1283 Mr. Taylor - Is that a solid stockade type fence.  
1284

1285 Mr. Strasser - Yes, sir.  
1286

1287 Mr. Taylor - That belongs to the Timbermill people?  
1288

1289 Mr. Strasser - Yes, sir.  
1290

1291 Mr. Taylor - And it is in good repair?  
1292

1293 Mr. Strasser - Yes, sir.  
1294

1295 Mr. Taylor - How high would you think that would be?  
1296

1297 Mr. Strasser - Some are six feet. Some are maybe five feet. I believe there is a wooden  
1298 fence...  
1299

1300 Mr. Taylor - The fence along there, are you planning to replace that fence, or do anything to  
1301 that, to the fences as they exist, given that they are all different.  
1302

1303 Mr. Strasser - The first two property owners have fences.  
1304

1305 Mr. Taylor - And those would really be the closest to the sound emanating portion of this  
1306 facility?  
1307

1308 Mr. Strasser - We had a survey. Is that correct, Aaron, that there are only two fences on two  
1309 property lines? Yes, that is what I thought. It appears that there are four fences from Pump Road.  
1310

1311 Mr. Taylor - All right, let me ask you a direct question then, because I presume that those  
1312 fences belong to different residents, and they are all different. Do you have any plans to put  
1313 landscaping along that line of trees, sound absorbing trees like Leyland Cypress or something?  
1314 Would you be willing to do that? Have you considered that?  
1315

1316 Mr. Strasser - Yes. I have considered it, and really when I considered it was when we made  
1317 the decision to go with the 35-foot transitional buffer. As I understand the Code, I could do that, or I  
1318 could make it 15 or 20 feet and put in, whether it be a fence or additional screening, at the time we  
1319 elected to do the 35 feet. Now, having said that, I will absolutely put some landscaping there.  
1320 Understand something please. This is going to be my livelihood and I am going to own and operate  
1321 this. This is going to be my full-time job. I am building a nice building and it makes sense to have a  
1322 nice landscaping there, too. On the same hand, I don't want to be obligated – it comes down to  
1323 dollars and cents – and I don't want to be obligated to put in some screening above and beyond what  
1324 I have to do. Again, the thought was to maintain the 35-foot transitional buffer. I am willing to sit  
1325 down with the residents, though, with the landscape plan and work with them to see where they want  
1326 the placement of the trees and bushes, etc.  
1327

1328 Mr. Taylor - Would you be willing to do that as this progresses over a period of time?  
1329

1330 Mr. Strasser - Yes. One of our next pieces in this process will be to do a landscape plan, and  
1331 I will be glad to sit down with the residents.  
1332

1333 Mr. Taylor- Do you know at this time, sir, what type of noise might emanate from that car  
1334 wash, car vacuuming activity? Would you characterize it very noisy, moderately noisy or not noisy  
1335 at all?  
1336

1337 Mr. Strasser - Moderately noisy. The site plan shows six vacuums, three islands each having  
1338 two. Initially I am just going to put three vacuums in. I am not sure if there is a need for six. There  
1339 are two gas stations next door. They both have vacuums. They both have air pumps. I have elected  
1340 not to put an air pump out there because of the noise the compressor makes. I am just putting  
1341 vacuums in. And, again, as we pointed out, those vacuums are 150 feet from the back of their  
1342 residence, and to answer your question, no. I think it is moderately noisy.  
1343

1344 Mr. Taylor - The vacuum operation, the vacuums themselves are buffered, I think, from  
1345 sound. They don't make all that much noise, as I go from my experience in using them, but you  
1346 would be willing to work with the neighbors to perhaps, if necessary, buffer that noise if it became  
1347 onerous and you could stay in touch with them.  
1348

1349 Mr. Strasser - Absolutely.  
1350

1351 Mr. Taylor- OK.  
1352

1353 Mr. Jernigan- Thank you, sir.  
1354

1355 Mr. Taylor- No, I don't have any other questions, Mr. Chairman.  
1356 Mr. Jernigan - Thank you, Mr. Strasser.  
1357

1358 Mr. Taylor - Let me go back to Mrs. Hertenstein and just quickly, from my discussion of  
1359 the issues with Mr. Strasser, I am satisfied that he is willing to do what he can to work with you over  
1360 a long period of time, and take a look at what type of noise you are actually experiencing, and he can  
1361 work with you and see what we can do. I will add No. 9 and 11 Amended to conditions that will  
1362 assure that we have a landscaping plan and we watch that on a continuing basis.  
1363

1364 Mr. Jernigan - Ma'am, if you are going to comment, you have to come up front.  
1365

1366 Mr. Taylor - And then so we can get this on the record and we can remember it long after  
1367 we leave this meeting.  
1368

1369 Mrs. Jody Hertenstein - Again, Jody Hertenstein, 11705 Timbermill Lane. I just heard Mr.  
1370 Strasser say that he would be willing to meet the minimum requirements of landscaping and prior to  
1371 that I heard Mr. Cooper say that Mr. Strasser told him that he would be willing to go above and  
1372 beyond the minimum requirements of landscaping. I just would like to get that clarified if we could.

1373

1374 Mr. Jernigan - Mrs. Hertenstein, what Mr. Taylor is going to do is he is going to amend No. 9  
1375 and 11 in this case, which means that the landscaping and the lighting plan will come back before  
1376 this Commission again for approval, so in that time you will have to sit down together with Mr.  
1377 Strasser and work it out before it comes back here.

1378

1379 Mr. Cooper - I just want to clarify that when the initial concern from the neighbors had  
1380 come about, I had spoken with Aaron Breed, who is the engineer with Balzer and Associates, for this  
1381 project, discussed with him and asked at that time if he thought that there would be any issues with  
1382 landscaping, making sure that it was a dense landscaping to ensure that it is the best visual and  
1383 audible screening, and he said he didn't believe that there would be any problem with that. I just  
1384 wanted to clarify where I was coming from on that.

1385

1386 Mr. Jernigan - Thank you, Mr. Cooper.

1387

1388 Mr. Taylor - Thank you, Mr. Cooper and Mrs. Hertenstein. I think we can assure that  
1389 working together between the neighbors and Mr. Strasser that we can work the noise level to  
1390 everybody's satisfaction. So, with that, Mr. Chairman, I move approval of POD-01-03, Strasser Car  
1391 Wash, subject to the annotations on the plans, the standard conditions for developments of this type  
1392 and the following conditions, Nos. 9 and 11 Amended and 23 through 33.

1393

1394 Mr. Jernigan - I will second it. We have a motion on the floor by Mr. Taylor, seconded by  
1395 Mr. Jernigan. All in favor say aye. All opposed say no. The motion passes.

1396

1397 The Planning Commission approved POD-01-03, Strasser Car Wash – Pump Road, subject to the  
1398 annotations on the plans, the standard conditions for developments of this type, and the following  
1399 additional conditions:

1400

1401 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1402 review and Planning Commission approval prior to the issuance of any occupancy  
1403 permits.

1404 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
1405 depictions of light spread and intensity diagrams, and fixture and specifications and mounting  
1406 height details shall be submitted for Planning Office review and Planning Commission  
1407 approval.

1408 23. The easements for drainage and utilities as shown on approved plans shall be granted to the  
1409 County in a form acceptable to the County Attorney prior to any occupancy permits being  
1410 issued. The easement plats and any other required information shall be submitted to the  
1411 County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

1412 24. The developer shall provide fire hydrants as required by the Department of Public Utilities  
1413 and Division of Fire.

1414 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
1415 acceptable to the County Attorney prior to final approval of the construction plans.

1416 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1417 approved by the County Engineer prior to final approval of the construction plans by the

- 1418 Department of Public Works.
- 1419 27. Insurance Services Office (ISO) calculations must be included with the plans and contracts  
1420 and must be approved by the Department of Public Utilities prior to the issuance of a building  
1421 permit.
- 1422 28. Approval of the construction plans by the Department of Public Works does not establish the  
1423 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
1424 will be set by Henrico County.
- 1425 29. The owner or manager on duty shall be responsible for temporarily closing the car facility  
1426 when the on-site stacking space is inadequate to serve customer demand to prevent a backup  
1427 of vehicles onto the public right-of-way. The owner shall arrange with the Traffic Engineer to  
1428 provide standard traffic control signs to notify customers that stopping or standing on the  
1429 public right-of-way shall not be permitted near the entrances to the car wash facility.
- 1430 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1431 Planning Office and approved prior to issuance of a certificate of occupancy for this  
1432 development.
- 1433 31. The location of all existing and proposed utility and mechanical equipment (including HVAC  
1434 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
1435 identified on the landscape plans. All equipment shall be screened by such measures as  
1436 determined appropriate by the Director of Planning or the Planning Commission at the time  
1437 of plan approval.
- 1438 32. The right-of-way for widening of Pump Road as shown on approved plans shall be dedicated  
1439 to the County prior to any occupancy permits being issued. The right-of-way dedication plat  
1440 and any other required information shall be submitted to the County Real Property Agent at  
1441 least sixty (60) days prior to requesting occupancy permits.
- 1442 33. The required building setback shall be measured from the proposed right-of-way line and the  
1443 parking shall be located behind the proposed right-of-way line.

1444

1445 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

1446

POD-3-03 Sam's Club Fueling Station – 9440 W. Broad Street (POD-46-91 Revised)	<b>CEI Engineering Associates, Inc. for Sam's Real Estate Trust:</b> Request for approval of a plan of development and lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a fuel facility located adjacent to the existing Sam's Club building. The 19.153-acre site is located on the northern line of W. Broad Street (U.S. Route 250) approximately, 1,000 feet east of Old Springfield Road on parcel 757-758-0701. The zoning is B-2, Business District. County water and sewer. <b>(Brookland)</b>
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1447

1448

1449 Mr. Marles - The staff report will be given by Mr. Cooper.

1450

1451 Mr. Jernigan - Is there any opposition to POD-3-03? No opposition. You may proceed, Mr.

1452 Cooper.

1453

1454 Mr. Cooper - OK. This is a plan for a fuel facility to be located on the existing Sam's Club  
1455 site. The plan calls for six fuel pumps located under a 5,454 sq. ft. canopy. A 99-sq. ft. mechanical  
1456 building is also proposed. Both the canopy columns and the mechanical room will be brick and will  
1457 match the color of the existing Sam's Club Building. The site will provide fuel service only to  
1458 Sam's Club members and will operate under the same business hours as the store. The lighting plan  
1459 is also before you today for approval. You should have recently received a revised lighting plan.  
1460 The applicant has reduced the light levels for this site to meet police concerns for uniform lighting  
1461 throughout the entire site. The light levels fall well within the normal requirements for the lighting  
1462 requirements for gas stations, and will have no impact on the adjacent properties. Additionally, the  
1463 light levels will be reduced significantly during non-business hours, almost zero foot candles at  
1464 canopy edge during these times. Staff is recommending approval of this plan of development and  
1465 the lighting plan. The applicant's representative is here today to answer any questions you may have,  
1466 and I will also be happy to answer any questions.

1467

1468 Mr. Jernigan - Are there any questions for Mr. Cooper from the Commission?

1469

1470 Mr. Vanarsdall - Mr. Cooper, I believe you told me the hours of operation were 8:00 p.m. they  
1471 close?

1472

1473 Mr. Cooper - I would refer to the applicant's representative. I am not 100% positive on the  
1474 store hours.

1475

1476 Mr. Vanarsdall - But it is not abnormal hours, and you said that refueling will be the same as  
1477 the hours of Sam's.

1478

1479 Mr. Cooper - It is my understanding that that is how it will work, sir.

1480

1481 Mr. Vanarsdall - Thank you.

1482

1483 Mr. Jernigan - Any more questions? Thank you, Mr. Cooper.

1484

1485 Mr. Vanarsdall - Mr. Chairman, I don't need to hear from the applicant except I would like to  
1486 know the hours of operation. I should know. I am a member, but I don't get there at the last minute,  
1487 so I don't know when they close.

1488

1489 Mr. Jernigan- Well, if he is going to state that, he is going to have to come to the podium.

1490

1491 Mr. Basaam - Good morning, Mr. Chairman, and members of the Commission. My name is  
1492 Basaam Ziada. I live at 723 North 46<sup>th</sup> Avenue, Fayetteville, Arkansas and I am representing Sam's  
1493 Club here. The hours of operation will be one hour before and one hour after the store closes.

1494

1495 Mr. Vanarsdall - OK. So what is that?

1496

1497 Mr. Basaam - I believe the hours differ. For business I believe the store opens at 7:00 a.m.,

1498 for regular members, it opens at 8:30 a.m. and 8:30 p.m. closes.

1499

1500 Mr. Vanarsdall - When do you close?

1501

1502 Mr. Basaam - At 8:30 p.m.

1503

1504 Mr. Vanarsdall - So this fueling will be open until 9:30 p.m.

1505

1506 Mr. Basaam - That is correct.

1507

1508 Mr. Vanarsdall - OK. And then if you ever change the hours in your store, it changes over here,  
1509 too.

1510

1511 Mr. Basaam- I believe so.

1512

1513 Mr. Vanarsdall - OK. Thank you. That is all the questions I have, Mr. Chairman.

1514

1515 Mr. Jernigan- Any more questions? All right, Mr. Vanarsdall.

1516

1517 Mr. Vanarsdall - I recommend approval of POD-3-03, Sam's Club Fueling Station – 9440 W.  
1518 Broad Street (POD-46-91 Revised), subject to the standard conditions for developments of this type  
1519 and added conditions Nos. 11B, which takes in the lighting, and No. 23 through 33, but I want to  
1520 delete No. 33, which is on the Addendum. The reason for that is that before I talked to Leslie News  
1521 on this, the lighting fixtures shall not exceed the height of 20 feet. That is a standard condition under  
1522 B-2, which is what this is, so we have deleted that on the Addendum. Just delete the whole thing,  
1523 and they know what height they need, and what we were concerned about was the spillover in the  
1524 neighborhood behind it.

1525

1526 Mr. Archer - Second.

1527

1528 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Archer. All in favor  
1529 say aye. All opposed say no. The motion passes.

1530

1531 The Planning Commission approved Plan of Development and Lighting Plan for POD-3-03, Sam's  
1532 Club Fueling Station, 9440 W. Broad Street, (POD-46-91 Revised), subject to the standard  
1533 conditions attached to these minutes for developments of this type and the following additional  
1534 conditions:

1535

1536 **11B.** Prior to the approval of an electrical permit application and installation of the site lighting  
1537 equipment, a plan including light spread and intensity diagrams, and fixture specifications and  
1538 mounting heights details shall be revised as annotated on the staff plan and included with the  
1539 construction plans for final signature.

1540 **23.** The easements for drainage and utilities as shown on approved plans shall be granted to the  
1541 County in a form acceptable to the County Attorney prior to any occupancy permits being  
1542 issued. The easement plats and any other required information shall be submitted to the

- 1543 County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.  
 1544 24. The developer shall provide fire hydrants as required by the Department of Public Utilities  
 1545 and Division of Fire.  
 1546 25. Outside storage shall not be permitted.  
 1547 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
 1548 acceptable to the County Attorney prior to final approval of the construction plans.  
 1549 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 1550 approved by the County Engineer prior to final approval of the construction plans by the  
 1551 Department of Public Works.  
 1552 28. Insurance Services Office (ISO) calculations must be included with the plans and contracts  
 1553 and must be approved by the Department of Public Utilities prior to the issuance of a building  
 1554 permit.  
 1555 29. Approval of the construction plans by the Department of Public Works does not establish the  
 1556 curb and gutter elevations along the Virginia Department of Transportation maintained right-  
 1557 of-way. The elevations will be set by the contractor and approved by the Virginia  
 1558 Department of Transportation.  
 1559 30. The location of all existing and proposed utility and mechanical equipment (including HVAC  
 1560 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
 1561 identified on the landscape plans. All equipment shall be screened by such measures as  
 1562 determined appropriate by the Director of Planning or the Planning Commission at the time  
 1563 of plan approval.  
 1564 31. No wrecked automobiles, nor automobiles incapable of being operated, shall be kept on the  
 1565 premises.  
 1566 32. Bulk storage of fuel shall be underground.

1567

1568 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1569

POD-4-03  
 Hampton Inn @ Virginia  
 Center Station  
 (POD-41-02 Revised)

**Balzer & Associates, Inc. for Sunstone Corporation and Thomas Builders, Inc.:** Request for approval of a revised plan of development and special exception as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a four-story, 72 room hotel. The 2.00-acre site is located on the south line of Technology Park Drive, approximately 600 feet east of Brook Road (U.S. Route 1) on part of parcels 784-768-5413, 4001, 3829 and 0951. The zoning is M-1, Light Industrial District and M-1C, Light Industrial District (Conditional). County water and sewer. **(Fairfield)**

1570

1571 Mr. Jernigan - Is there any opposition to POD-4-03, Hampton Inn @ Virginia Center Station?  
 1572 No opposition. Mr. McGarry, how are you this morning?

1573

1574 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission. There has been a change  
 1575 in the caption on your addendum. Both of the outstanding issues identified in your staff report have  
 1576 been resolved. First, the revised architectural have been received and the building now meets the  
 1577 proffered height. Secondly, the master plan for the shopping center has also been received and the

1578 shopping center statistics have been provided and their accuracy confirmed. Staff can recommend  
1579 approval subject to the standard conditions for developments of this type and additional conditions  
1580 Nos. 23 through 30. I'll be happy to answer any questions.

1581

1582 Mr. Jernigan - Are there any questions for Mr. McGarry from the Commission? Thank you,  
1583 sir. Mr. Archer.

1584

1585 Mr. Archer - Without opposition, I will move approval of POD-4-03, Hampton Inn @  
1586 Virginia Center Station, subject to the revised master plan for the shopping center site, and subject to  
1587 the revised caption on this morning's addendum and additional conditions Nos. 23 through 30.

1588

1589 Mr. Vanarsdall - Second.

1590

1591 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in  
1592 favor say aye...all opposed say nay. The motion carries.

1593

1594 Mr. McGarry -Mr. Chairman, excuse me. It has been pointed out that the special exception should  
1595 also have a separate vote as well, the exception for four stories.

1596

1597 Mr. Jernigan - Okay.

1598

1599 Mr. Archer - I don't guess it matters which one goes first, but, anyway, I move for the  
1600 special exception.

1601 Mr. Taylor - Second.

1602

1603 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Taylor for the special  
1604 exception on height. All in favor say aye...all opposed say nay. The motion is passed.

1605

1606 The Planning Commission approved POD-4-03, Hampton @ Virginia Center Station (POD-41-02  
1607 Revised) and the special exception, subject to the standard conditions attached to these minutes for  
1608 developments of this type, the annotations on the plan and the following additional conditions:

1609

1610 23. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the  
1611 total site area.

1612 24. The developer shall provide fire hydrants as required by the Department of Public Utilities  
1613 and Division of Fire.

1614 25. The proffers approved as a part of zoning case C-24C-02 shall be incorporated in this  
1615 approval.

1616 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
1617 acceptable to the County Attorney prior to final approval of the construction plans.

1618 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1619 approved by the County Engineer prior to final approval of the construction plans by the  
1620 Department of Public Works.

1621 28. Insurance Services Office (ISO) calculations must be included with the plans and contracts  
1622 and must be approved by the Department of Public Utilities prior to the issuance of a building

1623 permit.  
1624 29. Approval of the construction plans by the Department of Public Works does not establish the  
1625 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
1626 will be set by Henrico County.  
1627 30. The location of all existing and proposed utility and mechanical equipment (including HVAC  
1628 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
1629 identified on the landscape plans. All equipment shall be screened by such measures as  
1630 determined appropriate by the Director of Planning or the Planning Commission at the time  
1631 of plan approval.

1632

### 1633 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

POD-9-03  
Red Robin – Short Pump  
Town Center

**Bohler Engineers, P.C. for Short Pump Town Center, LLC and Red Robin International:** Request for approval of a plan of development ~~and lighting~~ plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 6,349 square foot restaurant with outdoor dining in a regional shipping center. The 1.73-acre site is located on the north line of W. Broad Street (U. S. Route 250), approximately 880 feet west of its intersection with Lauderdale Drive on part of parcel 736-763-4932. The zoning is B-3C, Business District (Conditional) and WBSO, West Broad Street Overlay District. Private water and sewer.  
**(Three Chopt)**

1634 Mr. Jernigan - Is there anyone in the audience in opposition to POD-9-03, Red Robin – Short  
1635 Pump Town Center? No opposition. You may proceed, Mr. Wilhite.

1636

1637 Mr. Wilhite - Mr. Chairman, at the time the agenda was prepared, the staff had requested a  
1638 revised lighting plan be submitted. The applicant has chosen to remove the lighting from the request  
1639 for approval at this time, as listed on your addendum. With that, staff is in a position to recommend  
1640 approval of the site plan with the annotations on the plan, the standard conditions and additional  
1641 conditions Nos. 23 through 31. I'll be happy to answer any questions you may have.

1642

1643 Mr. Jernigan - Are there any questions for Mr. Wilhite from Commission members?

1644

1645 Mr. Taylor - I have a couple, Mr. Chairman.

1646

1647 Mr. Jernigan - Okay.

1648

1649 Mr. Taylor - Mr. Wilhite, the buffer adjacent to Broad Street, the planting buffer, what is  
1650 the width of that?

1651

1652 Mr. Wilhite - There is a 50-foot buffer that was required by proffer.

1653

1654 Mr. Taylor - And that is in the Broad Street Overlay District?

1655

1656 Mr. Wilhite - Yes, sir.  
1657

1658 Mr. Taylor - What additional plans, if any, does Red Robin have to improve on the planting  
1659 in there? I understand for the most part they will be needed planting and the normal plantings for the  
1660 Short Pump Town Center. Are there any additional plans to improve that or increase it?  
1661

1662 Mr. Wilhite - There was a landscape plan that came before the Planning Commission a few  
1663 months ago that addressed all of the landscaping at Short Pump Town Center. It also addressed the  
1664 50-foot buffer along W. Broad Street. Red Robin will have its own separate landscape requirement.  
1665 At that time when they submit it, they may choose to enhance that buffer as well as landscape the  
1666 rest of the site. At this point, the landscape plan is not a part of the approval, and we are not sure if  
1667 they will be adding any more landscaping within the buffer.  
1668

1669 Mr. Taylor - But it will come back to us for approval.  
1670

1671 Mr. Wilhite - They will have to submit it but it will be up to you whether or not you want it  
1672 to come back before the Commission.  
1673

1674 Mr. Taylor - Is there anyone here representing Red Robin today? My concern for this is  
1675 that is in the center of what will be three restaurant parcels. And of the three, it looks like that is one  
1676 that could use some onsite island type landscaping to be consistent with the Broad Street Overlay  
1677 District as well as the Short Pump Town Center. What I would like to do is, one way or another, get  
1678 assurance with the landscaping plan, us taking another look at it that the plantings are substantially in  
1679 accord with the neighbors and with the concepts that we've got for Short Pump Town Center. That's  
1680 all I wanted to do was make sure that Nos. 9 and 11 comes back for approval. With that I will move  
1681 approval of POD-9-03, Red Robin – Short Pump Town Center, subject to the standard conditions for  
1682 developments of this type and additional conditions Nos. 23 through 31 and Nos. 9 and 11 amended.  
1683

1684 Mr. Jernigan - And plus staff's recommendation on the addendum.  
1685

1686 Mr. Taylor - Oh, plus the staff's recommendation on the addendum.  
1687

1688 Mr. Wilhite - There is no addendum item.  
1689

1690 Mr. Vanarsdall - We are not approving the lighting plan, correct?  
1691

1692 Mr. Wilhite - No, we are not approving the lighting plan. It will come back separately.  
1693

1694 Mr. Jernigan - All right, we have a motion on the floor from Mr. Taylor, do we have a  
1695 second?  
1696

1697 Mr. Archer - Second, Mr. Chairman.  
1698

1699 Mr. Jernigan - The motion was made by Mr. Taylor and seconded by Mr. Archer. All in  
1700 favor say aye...all opposed say nay. The motion passes.

1701

1702 The Planning Commission approved POD-9-03, Red Robin – Short Pump Town Center, subject to  
1703 the standard conditions attached to these minutes for developments of this type, the annotations on  
1704 the plan and the following additional conditions:

1705

1706 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1707 review and Planning Commission approval prior to the issuance of any occupancy  
1708 permits.

1709 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
1710 depictions of light spread and intensity diagrams, and fixture and specifications and mounting  
1711 height details shall be submitted for Planning Office review and Planning Commission  
1712 approval.

1713 23. The developer shall provide fire hydrants as required by the Department of Public  
1714 Utilities and Division of Fire.

1715 24. Outside storage shall not be permitted.

1716 25. The proffers approved as a part of zoning case C-29C-98 shall be incorporated in this  
1717 approval.

1718 26. The developer shall install an adequate restaurant ventilating and exhaust system to  
1719 minimize smoke, odors, and grease vapors. The plans and specifications shall be  
1720 included with the building permit application for review and approval. If, in the opinion  
1721 of the County, the type system provided is not effective, the Commission retains the  
1722 rights to review and direct the type of system to be used.

1723 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1724 approved by the County Engineer prior to final approval of the construction plans by the  
1725 Department of Public Works.

1726 28. Insurance Services Office (ISO) calculations must be included with the plans and  
1727 contracts and must be approved by the Department of Public Utilities prior to the issuance  
1728 of a building permit.

1729 29. The location of all existing and proposed utility and mechanical equipment (including

1730 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1731 shall be identified on the landscape plans. All equipment shall be screened by such  
1732 measures as determined appropriate by the Director of Planning or the Planning  
1733 Commission at the time of plan approval.

1734 30. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of  
1735 the total site area.

1736 31. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).  
1737  
1738

1738 **PLAN OF DEVELOPMENT**

POD-11-03  
Spring Arbor Assisted  
Living

**Draper Aden Associates for Crown Petroleum Corporation and HHHunt Assisted Living, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 72 one-story, assisted living units for a total of 55,904.2 square feet. The 5.478-acre site is located on the southeast corner of the intersection of Ridgefield Parkway and Flintwood Drive on parcel 745-751-3992. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Tuckahoe)**

1739

1740 Mr. Jernigan - Is there anyone in the audience in opposition to POD-11-03, Spring Arbor  
1741 Assisted Living? We have opposition. Mr. Strauss, you may proceed.

1742

1743 Mr. Strauss - Thank you, Mr. Chairman and members of the Commission. Staff has  
1744 received the revised plan as requested and a copy of the revised annotated staff plan has been  
1745 distributed to you in this morning's addendum. You may note on this morning's addendum that the  
1746 applicant is seeking approval of 74 assisted living units. The plan was originally submitted for  
1747 approval of 72 units, but upon review of the floor plans it was determined that there were actually 74  
1748 units in this development. This should not pose a problem as the rezoning was approved for up to 80  
1749 units and the applicant has provided sufficient parking to support that proposal. As this project was a  
1750 subject of a recent rezoning, the proposed development is controlled by proffers for such things as  
1751 architectural treatment, maximum building height, landscaping and screening and even the hours  
1752 which construction activity is permitted. The applicant has also proffered that this project be  
1753 developed substantially consistent with the layout submitted at the time of the rezoning.  
1754 Staff has met with the neighborhood and has completed its review of the revised plan. We can now  
1755 recommend approval of the plans that in your addendum along with the conditions. And, to be brief,  
1756 the plan also includes a right-turn lane which was added to Ridgefield Road. The plan now meets  
1757 the requirements for approval. And I will be happy to answer questions you may have. And the  
1758 applicant is also represented here today by Draper Aden.

1759

1760 Mr. Jernigan - Thank you, Mr. Strauss. Are there any questions of Mr. Strauss from the  
1761 Commission?

1762

1763 Mrs. Ware - I have none at this time.

1764

1765 Mr. Jernigan - Could we hear from the applicant please. Good morning.

1766

1767 Mr. Shust - I'm Chris Shust with Draper Aden

1768

1769 Mr. Jernigan - What's your last name, sir?

1770

1771 Mr. Shust - Shust.

1772

1773 Mr. Cook - And I am Bo Cook with the applicant, HHHunt Assisted Living, Inc.  
1774

1775 Mr. Jernigan - All right, gentlemen, the 10-minute rule is in affect. You have 10 minutes.  
1776

1777 Mrs. Ware - Or would you like to save it for rebuttal after the opposition?  
1778

1779 Mr. Shust - Yes, we would like to save it for rebuttal because based on staff  
1780 recommendation we have no further comment then that. Thank you.  
1781

1782 Mr. Jernigan - Ma'am, could you come down please. Good morning.  
1783

1784 Ms. Moran - I'm Jane Moran and I live in Stony Run and I presume the train has already  
1785 left the station and I did not get involved when it was being zoned. I haven't done any research, I do  
1786 live in Stony Run, 2205 Rockwater Terrace, and I'm disappointed about a building going in there. I  
1787 may not have all of my facts straight but I do know within approximately a four-mile radius this  
1788 would be either the 11<sup>th</sup> or 12 maybe more assisted living and nursery home facilities in the area.  
1789 You have St. Mary's Woods on Gaskins. You have Brighten Gardens. You have Georgia Williams,  
1790 which for some reason that facility retirement home, or whatever you want to call it, apparently  
1791 doesn't seem to be a go. You got Ginter West and Gayton Terrace and Beth Shalom, Our Lady of  
1792 Hope, Cedarfield, University Place and those are only the ones that I am aware of. So, as I said, this  
1793 would be the 11<sup>th</sup> or 12<sup>th</sup> assisted living facility within a four-mile radius and that seems excessive to  
1794 me.  
1795

1796 Also, I do not really feel that overbuilding is progressive. I brought a townhouse in Stony Run about  
1797 nine years ago and I'm just really disappointed about the way the west end is being developed. We  
1798 have got a tremendous amount of traffic. Also, I believe the west end is being ruined by mixing  
1799 commercial and residential. Also up at the corner of, just to bring up a different subject other than  
1800 the assisted living place that they are talking about building, right up from the corner from us, at  
1801 Short Pump and Ridgefield, apparently are huge condo complexes being built. I've tried calling that  
1802 telephone number and nobody ever answers the phone. But, anyway, my point is within about a  
1803 block radius there you are going to have, between the assisted living place if it goes through, plus the  
1804 ranch condos that's being built, you are going to have, what, between 300 and 400 people dumping  
1805 into a one block area in terms of cars and this sort of thing. And I'm just not happy about it, and I'm  
1806 getting in on my objection late, I know, so I 'm sure my being here is going to serve no purpose.  
1807

1808 I was listening to the comment about the lady and the car wash and I haven't been keeping up with  
1809 all of this, which I should have been, apparently. But, anyway, the comment was made to her that  
1810 Pump Road is going to stay pretty much a residential road. I really don't see that at all. It's just hard  
1811 to move around in that area. And I know in my particular complex of Stony Run, there's really  
1812 basically two exits from the complex. One is onto Flintwood and the other one is down the hill out  
1813 onto Ridgefield, which is a very dangerous exit from Stony Run because you have got a curve  
1814 coming each way on Ridgefield. So, I usually go out by way of Flintwood and Ridgefield because  
1815 there is a stop light there. So, I guess that's all I've got to say. I do not think all this overbuilding is  
1816 progress at all. I think we are really ruining the west end and specifically, as far as the assisted living  
1817 facility going up, which is what I am addressing myself, basically, to is.... I don't like the ideal of

1818 having that many facilities of that sort. We need those types of facilities but it's just too much.  
1819 You've got all of those facilities within a four-mile radius and I think that it is unnecessary. So, I'm  
1820 really just here for emotional reasons because I understand the zoning has already been done but I  
1821 think in terms of... If there is anyway to prevent that, I mean I wouldn't mind homes being built  
1822 there. I'm not familiar with the zoning laws and terminology. I assume they are in their legal right  
1823 to build an assisted living facility there but I'm not happy about it.

1824

1825 Mrs. Ware - Can you show us, based on the map here, where you live or where your  
1826 apartment is located?

1827

1828 Ms. Moran - Well, I'm not good at map reading. Can you do it for me then (Speaking to  
1829 Mr. Strauss)? Let's see. This is Ridgefield and this is Flintwood, so I would be like right in here, I  
1830 guess (referring to the map). But the point is, I usually leave my complex by way of Flintwood  
1831 because to go out the other exit is extremely dangerous. But there is a light at Flintwood. So, I take  
1832 a left on Flintwood and then go up to Ridgefield and then either a left or a right. I knew that  
1833 something was going to happen on that corner, obviously, anybody who owns land these days is  
1834 trying to make a buck off of it. As I said, that's going to make at least 11 facilities of that nature  
1835 within a, I'm going to call it a four-mile radius, I didn't you know really drive it off exactly, but  
1836 that's approximately correct I think. I think it is unnecessary really. So, that's all I have to say and if  
1837 I were y'all I would kind of slow down the road just a little bit because it is getting just too crowded  
1838 out there with traffic. You can hardly move now.

1839

1840 Mr. Jernigan - Ms. Doran, I'd like to say, first of all you should have come around for the  
1841 zoning request....

1842

1843 Ms. Moran - Absolutely, I'm not sure if it would have done any good.

1844

1845 Mr. Jernigan - And I'm sure you realize that now, but it does falls in with the Land Use Map  
1846 as to what to be done. When you take a four-mile radius in the west end you are talking about a lot  
1847 of folks. There is a lot of density out there. They put those homes where you have the greatest  
1848 concentration of people.

1849

1850 Ms. Moran - I don't think all the old people in the city live in the west end. I don't think.

1851

1852 Mr. Jernigan - No they don't and they are going to get old if they are lucky. But, what I'm  
1853 saying is you have the greatest density of people out there and those people will be needing those  
1854 facilities. I'm from the Varina district.

1855

1856 Ms. Moran - Would you like to move out to the west end yourself?

1857

1858 Mr. Jernigan - Well, I hadn't really planned on it. My business is in the east end so I think I  
1859 want to stay close to home.

1860 Ms. Moran -

My guess is you won't.

1861

1862 Mr. Jernigan - But, what I am saying is you wouldn't have that many out there because our

1863 concentration isn't as great as what it is here. The density in most of these areas is 3.4 homes per  
1864 acre.

1865

1866 Ms. Moran - We don't need 11 facilities in four miles I don't think. But, all of this  
1867 discussion is beside the point, I realize, because the deed is done and the train has left. I don't see  
1868 anybody, besides myself, here either objecting to it which makes me feel that lack of attendance,  
1869 which I have also been guilty of, is one of the reasons what's going on in the west end is going on.

1870

1871 Mrs. Ware - Ms. Moran, I would like to mention to you – and I appreciate your concern  
1872 and I'm sorry you weren't able to participate in the meeting we had when the rezoning was taking  
1873 place. We had three very well attended meetings at the library....

1874

1875 Ms. Moran - Good.

1876

1877 Mrs. Ware - ... and also at the Wimbley Civic Association and a lot of the issues that you  
1878 are talking about right now have been discussed and one of the questions....

1879

1880 Ms. Moran - Well, I do have an elderly parent out of town so I have been gone right much  
1881 in the last six months.

1882

1883 Mrs. Ware - Well, I know that notices were sent out to a wide area. And, like I said, I'm  
1884 sorry you missed us, but the zoning that is taking place for this assisted living what's actually called  
1885 the down zoning and it took this property from being a business zoning for a shopping center and  
1886 brought it down to a residential zoning for this assisted living that we have.

1887

1888 Ms. Moran - I don't consider assisted living residential actually myself.

1889

1890 Mrs. Ware - All right.

1891

1892 Ms. Moran - But, that's okay. I mean I realize this is just an emotional statement I'm  
1893 making and it's nothing I can do to stop the train. But, since you are the Planning Commission I  
1894 think it would be a good idea to keep in mind in the future to slow it down in the west end because  
1895 you can hardly move around there now. But, anyway, thanks for listening and have a nice day.

1896

1897 Mr. Jernigan - Thank you, Ms. Moran. We appreciate you coming by.

1898

1899 Mrs. Ware - Thank you.

1900

1901 Mr. Jernigan - Mrs. Ware. Would the applicant like to respond?

1902

1903 Mr. Vanarsdall - I don't think he has any real rebuttal to that.

1904

1905 Mrs. Ware - Okay. Just wanted to give them a chance. Well, we had a meeting also on the  
1906 plan of development and adjacent property owners and those in the area that were concerned  
1907 attended that meeting and I believe this POD addresses all of the issues that came up in our meeting.

1908 The limits of clearing is going to be set and believe Mr. Cook is going to let us know when we are  
1909 all going to go out to the woods and tag trees. Then with that, I recommend approval of POD-11-03,  
1910 Spring Arbor Assisted Living, subject to the standard conditions for developments of this type,  
1911 additional conditions Nos. 23 through 38 and Nos. 9 and 11 amended.

1912

1913 Mr. Vanarsdall - Second.

1914

1915 Mr. Jernigan - The motion was made by Mrs. Ware and seconded by Mr. Vanarsdall. All in  
1916 favor say aye...all opposed say nay. The motion passes.

1917

1918 The Planning Commission approved POD-11-03, Spring Arbor Assisted Living, subject to the  
1919 standard conditions attached to these minutes, the annotations on the plan and the following  
1920 additional conditions:

1921

1922 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
1923 review and Planning Commission approval prior to the issuance of any occupancy permits.

1924 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
1925 depictions of light spread and intensity diagrams, and fixture and specifications and mounting  
1926 height details shall be submitted for Planning Office review and Planning Commission  
1927 approval.

1928 23. The right-of-way required for Ridgefield Parkway and Flintwood Drive as shown on  
1929 approved plans shall be dedicated to the County prior to any occupancy permits being issued.

1930 24. The easements for drainage and utilities as shown on approved plans shall be granted to the  
1931 County in a form acceptable to the County Attorney prior to any occupancy permits being  
1932 issued. The easement plats and any other required information shall be submitted to the  
1933 County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

1934 25. The required building setback shall be measured from the proposed right-of-way line and the  
1935 parking shall be located behind the proposed right-of-way line.

1936 26. The developer shall provide fire hydrants as required by the Department of Public Utilities  
1937 and Division of Fire.

1938 27. A standard concrete sidewalk shall be provided along Ridgefield Parkway and Flintwood  
1939 Drive.

1940 28. The developer shall install an adequate restaurant ventilating and exhaust system to minimize  
1941 smoke, odors, and grease vapors. The plans and specifications shall be included with the  
1942 building permit application for review and approval. If, in the opinion of the County, the  
1943 type system provided is not effective, the Commission retains the rights to review and direct  
1944 the type of system to be used.

1945 29. Outside storage shall not be permitted.

1946 30. The proffers approved as a part of zoning case **C-30C-02** shall be incorporated in this  
1947 approval.

1948 31. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
1949 acceptable to the County Attorney prior to final approval of the construction plans.

1950 32. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1951 approved by the County Engineer prior to final approval of the construction plans by the  
1952 Department of Public Works.

- 1953 33. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.  
1954
- 1955 34. 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.  
1956  
1957
- 1958 35. 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.  
1959  
1960
- 1961 36. 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.  
1962  
1963  
1964  
1965
- 1966 37. The owners shall not begin clearing of the site until the following conditions have been met:  
1967
- (a) The site engineer shall conspicuously illustrate on the plan of development or subdivision construction plan and the Erosion and Sediment Control Plan, the limits of the areas to be cleared and the methods of protecting the required buffer areas. The location of utility lines, drainage structures and easements shall be shown.  
1968  
1969  
1970  
1971
  - (b) After the Erosion and Sediment Control Plan has been approved but prior to any clearing or grading operations of the site, the owner shall have the limits of clearing delineated with approved methods such as flagging, silt fencing or temporary fencing.  
1972  
1973  
1974
  - (c) The site engineer shall certify in writing to the owner that the limits of clearing have been staked in accordance with the approved plans. A copy of this letter shall be sent to the Planning Office and the Department of Public Works.  
1975  
1976  
1977
  - (d) The owner shall be responsible for the protection of the buffer areas and for replanting and/or supplemental planting and other necessary improvements to the buffer as may be appropriate or required to correct problems. The details shall be included on the landscape plans for approval.  
1978  
1979  
1980  
1981  
1982

1982 **LANDSCAPE & LIGHTING PLAN & TRANSITIONAL BUFFER DEVIATION**

1983

LP/POD-33-02  
Kentucky Fried Chicken  
2 in 1 – Patterson Avenue

**Landmark Design for Tricon Global Restaurants, Inc.:** Request for approval of a landscape and lighting plan and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 0.94-acre site is located on the northeast corner of Patterson Avenue and Quail Lane on parcel 751-741-5673. The zoning is B-2C, Business District (Conditional). **(Tuckahoe)**

1984

1985 Mr. Jernigan - Is there anyone in the audience in opposition to LP/POD-33-02, Kentucky  
1986 Fried Chicken? No opposition.

1987

1988 Mr. Kennedy - Good morning, Mr. Chairman and members of the Commission. The plan before you  
1989 would be approval of a transitional buffer deviation of only a foot and a half along the eastern  
1990 property line, which separates this property from the business zoned property. It normally requires a  
1991 10-foot transitional buffer on the site. They are providing 10-foot transitional planting in that  
1992 location and they are also providing a three-foot-high masonry panel wall at that location.  
1993 Ordinarily, a deviation would be an administrative approval for that. You would be allowed to have  
1994 an alternative for that, putting a fence or a wall would be an administrative alternative to reduce  
1995 transitional buffer. However, because the buffer is only 10 feet wide the Code doesn't provide that  
1996 alternative in this location. But they are meeting the planting requirement in the eight and a half feet  
1997 that remains in addition to putting a three-foot-high masonry wall on that side.

1998

1999 Along the bounce perimeter property, there is a 35-foot transitional buffer to the rear adjacent to the  
2000 residential property in addition to that they also have a proffered six-foot-high masonry wall in that  
2001 location as well. Along the balance of the property, along the two street frontages, the applicant is  
2002 meeting the 10-foot transitional buffer requirement even though it is not required. So, around the  
2003 whole perimeter of this property there will be a 10-foot transitional buffer provided. This property  
2004 was recently rezoned and it was significant upgrade from the existing building. It is a very old  
2005 building it was built back in the 70's. The new building will be all brick meeting the County's  
2006 design standards and we are very pleased with the progress we have made with KFC in this regard.  
2007 The landscaping around the building will be irrigated. There is an irrigation plan provided in the  
2008 POD just to document that. There is irrigation for all the landscaping. And as far as the lighting  
2009 plan, light poles don't exceed 20 feet in height, which is a proffered condition and in addition all flat  
2010 lens fixture and there are house guards on the residential side just to provide some additional  
2011 protection of the residence. With that we can recommend approval of both the deviation and the  
2012 landscape and lighting plan.

2013

2014 Mr. Jernigan - Are there any questions for Mr. Kennedy by the Commission? All right. Mrs.  
2015 Ware. We will have to have two motions.

2016

2017 Mrs. Ware - Right. One for the transitional buffer deviation, right?

2018

2019 Mr. Jernigan - Yes, ma'am.

2020

2021 Mrs. Ware - And thank you, Mr. Kennedy. I think this is going to be very nice. So, I guess  
2022 I move to approve the transitional buffer deviation for LP/POD-33-02, Kentucky Fried Chicken.

2023

2024 Mr. Vanarsdall - Second.

2025

2026 Mr. Jernigan - The motion was made by Mrs. Ware and seconded by Mr. Vanarsdall. All in  
2027 favor say aye...all opposed say nay. The motion passes.

2028

2029 The motion was made by Mrs. Ware and seconded by Mr. Vanarsdall. All in favor say aye...all  
2030 opposed say nay. The motion passes.

2031

2032 Mrs. Ware - And I move to approve the landscape and lighting plan for LP/POD-33-02,  
2033 Kentucky Fried Chicken, subject to the standard conditions for landscape and lighting plans.

2034

2035 The Planning Commission approved the transitional buffer deviation, landscape and lighting plan for  
2036 LP/POD-33-02, Kentucky Fried Chicken 2 in 1 – Patterson Avenue, subject to the standard  
2037 conditions attached to these minutes for landscape and lighting plans.

2038

2038 **SUBDIVISION ALTERNATIVE FENCE HEIGHT & LANDSCAPE PLAN**

Chatham Hills, Lot 16  
5 Bridgeway Road

**Ashley S. Cary:** Request for approval of an alternative fence height and landscape plan, as required by Chapter 24, Section 24-95(1) of the Henrico County Code to construct a six-foot privacy fence within the front yard. The 1.13-site is located on the southeast corner of Bridgeway Road and River Road at 5 Bridgeway Road on parcel 763-731-8274. The zoning is R-1, One-Family Residence District. **(Tuckahoe)**

2039

2040 Ms. Goggin - Good morning. There is a revised staff plan in your packet and a revised  
2041 recommendation on page 6 of your addendum. This is the request of the Planning Commission to  
2042 approve an alternative fence height in the front yard of a residential neighbor.

2043

2044 Mr. Jernigan - Ms. Goggin, excuse me. I didn't ask if there was any opposition. Is there  
2045 anyone in the audience in opposition to the alternative fence height? I apologize.

2046

2047 Ms. Goggin - Oh, no my apology. As I said, this is a request of the Planning Commission to  
2048 approve an alternative fence height in the front yard of a residential neighborhood, it's "R" district.  
2049 You have seen these kind of applications before, just to go over it again. The Code permits a three  
2050 and a half foot fence in the front yard of a residential district and the front yard is considered the  
2051 shortest street distance and the area from the front of the house to that street. So, for example, from  
2052 this part to this part (referring to map on screen) is considered the front yard of this house. Currently,  
2053 the applicant has a three and a half foot fence in the front yard and requests a six-foot wooden fence  
2054 per the revised plan because she has two small children that are three and six and she has two dogs  
2055 and she lives on River Road and that's quite a busy road. The proposed fence would start at this  
2056 northwestern corner and continue west down River Road and then at this northeast corner as it goes  
2057 back on Bridgeway Road it would taper from six feet to three and a half feet. So, within a 50-foot  
2058 distance it would go down and meet the Code and that's what we are asking for today. I have some  
2059 pictures of the site. This is the northeast corner (referring to pictures). It's hard to see but there is a  
2060 lot of existing vegetation and there's the three and a half foot fence, there. And this is the part that  
2061 runs along River Road. As you can tell there is vegetation, existing oaks, and there is the existing  
2062 fence over here that it would tie into.

2063

2064 On the plan that submitted, the applicant indicated that they, Mr. and Mrs. Cary, are going to  
2065 supplement the fence, the existing landscaping with Mountain Laurels, which do grow to be 15 feet  
2066 in height. They are normally planted about four or four and a half feet off center and about five feet  
2067 from the fence because roots and a wooden fence sometimes don't mix. So, they are going to go  
2068 back and replant to fill in any gaps that may be in the vegetation. Mrs. Cary, the applicant is here if  
2069 you have any questions of her and I'm happy to answer any questions you may have for me.

2070

2071 Mr. Jernigan - Are there any questions of Mrs. Goggin by the Commission?

2072

2073 Mrs. Ware - On this new addendum that we have, where you are showing the fence line  
2074 turning the corner, where is the approximate location of where it would go back down to the three

2075 and a half feet?

2076

2077 Ms. Goggin - From this part (referring to map) from this northwest corner to the 102  
2078 distance on the plat, it's approximately 50 feet and the Cary's have assured me that they are going to  
2079 taper the six feet down to three and a half feet within that range to be three and a half feet at that 102  
2080 indication.

2081

2082 Mrs. Ware - And you feel that the Mountain Laurels are appropriate planting for this site?

2083

2084 Ms. Goggin - I would like to defer that question to Jim Strauss or Leslie News since they are  
2085 our resident landscape architects. I was told that they were okay but Jim or Leslie could probably  
2086 expand on their appropriateness.

2087

2088 Ms. News - That's a naturalize plant.

2089

2090 Mrs. Ware - Okay. All right.

2091

2092 Ms. Goggin - A naturalize plant.

2093

2094 Mr. Jernigan - Did you say she has dogs?

2095

2096 Ms. Goggin - Yes, she has two dogs, two children and a very busy road.

2097

2098 Mrs. Ware - I understand your concern. I would have the same one. I think with the  
2099 additional plantings it would look nice along there because what's existing there right now is pretty  
2100 much what's been left to grow on its own. So, I think that will be fine. So, with that – Does anyone  
2101 else have any questions or concerns?

2102

2103 Mr. Taylor - If I might, I'd just like to express something about fences. I'm not opposed to  
2104 the fences I think this is a great reason to have a fence but what is sprouting up along the areas here  
2105 in Henrico are solid (stave) fences like you have here where there is just solid wood stave after wood  
2106 stave and this is 200 feet of it. What this gives, all of the advantages you have stated to the owner,  
2107 but to the drivers at times I think we are erecting tunnels without tops along some of our roads. And  
2108 I wonder if instead of a solid fence here the applicant would consider having something that would  
2109 achieve the screening out of animals and the protection of children but offering something that might  
2110 have a few gaps in it so that as you drive down you can see a little bit of relief in the green behind it  
2111 and it's just not driving along a couple of hundred feet of boring wood, solid, six-foot stave fence.  
2112 And that's just my feeling from looking at what we are doing in terms of fences. We've got stretches  
2113 of fences in Henrico County that are thousands of feet long and it just gets to be boring and they  
2114 narrow everybody's view. End of speech.

2115

2116 Mr. Jernigan - Are there any more questions for Ms. Goggin or statements? Thank you,  
2117 ma'am.

2118 Mrs. Ware - I understand Mr. Taylor's concern but I also understand Mrs. Cary's and I also  
2119 am aware that beyond her fence is a chain-link fence that goes up River Road. So, I do feel that with

2120 the plantings in front of it and how most of the houses along River Road has some type of barrier  
2121 fence in front of the house, that this would be okay for this particular location. So, therefore, I move  
2122 approval of the subdivision alternative fence height and landscaping plan subject to the standard  
2123 conditions for this type of plan and the following additional conditions. Nos. 1, 2, and 3 and the  
2124 addendum.

2125

2126 Mr. Vanarsdall - Second.

2127

2128 Mr. Jernigan - The motion was made by Mrs. Ware and seconded by Mr. Vanarsdall. All in  
2129 favor say aye...all opposed say nay. The motion passes.

2130

2131 The Planning Commission approved the alternative fence height and landscape plan for Chatham  
2132 Hills, Lot 16-5 Bridgeway Road, subject to the standard conditions attached to these minutes for  
2133 landscape plans and the following additional conditions.

2134

2135 1. Proper permits will be obtained prior to construction of the proposed fence.

2136 2. All fences on the site shall be continuously and properly maintained in good repair by  
2137 property owners.

2138 3. Trash and debris will not be allowed to accumulate along the fence.

2139

2140 Mr. Marles - Mr. Chairman, next we have the approval of minutes and then we have a  
2141 public hearing.

2142

2143 **APPROVAL OF MINUTES: December 18, 2002 Minutes**

2144

2145 Mr. Taylor - I'll move approval of the December 18, 2002, minutes.

2146

2147 Mr. Jernigan - Hold on. We have to see if there are any corrections. Are there any  
2148 corrections on the December 18, 2002, minutes?

2149

2150 Mr. Vanarsdall - Mr. Archer always have some.

2151

2152 Mr. Archer - On Page 31, Line 1188, insert the word "would you repeat." And on Page 32,  
2153 Line 1244, I think the word should be "derived" instead of "arrived." And on Page 35, Line 1364,  
2154 insert the word "effect" behind the word visual.

2155

2156 Mr. Jernigan - Are there any more corrections to the minutes? Mr. Taylor you made a  
2157 motion.

2158

2159 Mr. Taylor - I did, sir.

2160

2161 Mr. Archer - I'll second the motion.

2162

2163 Mr. Jernigan - We have a motion by Mr. Taylor to approve the minutes of December 18,  
2164 2002, and seconded by Mr. Archer. All in favor say aye...all opposed say nay. The motion passes.

2165

2166 Mr. Jernigan - Before we get started on this Public Hearing we are going to take a 10-minute  
2167 break. The time is 11:06 a.m.

2168

2169 **AT THIS TIME THE COMMISSION TOOK A BREAK**

2170

2171 Mr. Jernigan - I would like to bring the meeting back to order. It is 11:19 a.m. Mr.  
2172 Secretary, I believe we have a public hearing.

2173

2174 **PUBLIC HEARING:**

2175

2176 **Ordinance** – To Amend and Reordain Section 19-72 of the Code of the County of Henrico entitled  
2177 “Form and Content,” to add requirements for plat notations required under the Chesapeake Bay  
2178 Preservation Act.

2179

2180 **Ordinance** – To Amend and Reordain Section 24-3 of the Code of the County of Henrico entitled  
2181 “Definitions,” Subsection (d) of Section 24-106 entitled “Plans of Development (POD),  
2182 Administrative and Schematic Site Plans,” and Section 24-106.3 entitled “Chesapeake Bay  
2183 Preservation,” as required by amendments to State regulations promulgated under the Chesapeake  
2184 Bay Preservation Act.

2185

2186 Mr. Marles - Mr. Chairman, at your last meeting we held a work session on two items that  
2187 are before you today at public hearing. These are proposed amendments to the Zoning Ordinance as  
2188 a result of changes that were made by the Chesapeake Bay Local Assistance Board to the  
2189 Chesapeake Bay Regulations. As you may recall, local governments were required to revise their  
2190 local Chesapeake Bay Regulations to comply with these new amendments as of March 1, 2003, and  
2191 we are on schedule so far to do that. We do have Jeff Perry and Keith White from the Environmental  
2192 Division of Public Works in our audience to answer any questions the Commission has. They are  
2193 prepared to give the presentation that was given at the work session if the Commission would like to  
2194 hear that again. I do know that we have Mr. Root from Homebuilders Association in the audience  
2195 who may want to address these particular amendments. If you do have questions, again, Mr. Perry  
2196 and Mr. White are in the audience. There was a revised set of amendments that were passed out to  
2197 you, I guess a minute or two ago. Those were very minor changes, nothing substantial. And I would  
2198 say I believe Mr. Perry mentioned it at his presentation during the work session but the changes that  
2199 are being made are really only being made to comply with the amendments that were made by the  
2200 Chesapeake Bay Local Assistance Board. There are no additional changes that are in these  
2201 amendment; it's those that are necessary for us to come into compliance with the State Code. So,  
2202 again, Mr. Perry is here and Mr. White is here if the Commission has any questions at this point.

2203

2204 Mr. Vanarsdall - Mr. Chairman, why don't we just take the.... I think what you are saying,  
2205 since we had the work session, why don't we just take what we change and not go through the whole  
2206 thing again?

2207

2208 Mr. Jernigan - That's fine with me but first, for the record, let me ask. Is there any  
2209 opposition to us passing the ordinance for the changes to the Chesapeake Bay Preservation Act?

2210 Okay. We do have opposition. I just wanted to get that for the record. And, Mr. Vanarsdall, I agree,  
2211 we know basically what it is. Mr. Root has some questions and I think what I would like to do is let  
2212 him come up first, Jeff, and state his fact; and then you can address that rather than you coming up  
2213 and going back and coming back up. Is that okay with you?

2214

2215 Mr. Perry - Yes.

2216

2217 Mr. Jernigan - Okay. Come on up, sir.

2218

2219 Mr. Vanarsdall - That's a good idea.

2220

2221 Mr. Archer - See, Mr. Chairman, now you know why we elected you Chair.

2222

2223 Mr. Root - Good morning. My name is David Root with the Richmond Homebuilders  
2224 Association. I guess just as a point of clarification, this really isn't opposition as you have already  
2225 heard before this is... we have to do this. My question is more of a question and hopefully some  
2226 clarification. The key thing that some of our members have questions about, in your definitions we  
2227 have the definition that a "Resource Protection Area or RPA. That component of the Chesapeake  
2228 Bay Preservation Area, comprised of sensitive lands adjacent to water bodies with perennial flow,  
2229 that have an intrinsic water quality value due to the ecological and biological processes they perform  
2230 or are sensitive to impacts which may result in significant degradation to the quality of state waters."  
2231 Our question really is that we've got two things here that are fairly important to this definition and  
2232 one of them is the word "adjacent" and the other is "perennial flow" and we really don't know what  
2233 those are. Our desire for clarification is merely so that when my people go out to a piece property,  
2234 they will understand what they are looking at the same as your people would know what they are  
2235 looking at when they go out to that piece of property so we don't run into where we have a problem  
2236 of he said she said type of situation. We would like everyone to be looking at the same thing and to  
2237 understand what that is.

2238

2239 We realize that this is not the format to go after the Chesapeake Bay Local Assistance Board. We've  
2240 had those discussions. They have passed these regulations. They passed them with some of our  
2241 objections. They have made some of the corrections we have asked them to make. However, I guess  
2242 what I am looking for here is some sort of clarification on how the County is going to work through  
2243 this or how they intend to interpret this.

2244

2245 Mr. Jernigan - Are there any questions of Mr. Root by the Commission? All right. Thank  
2246 you, sir. Good morning, Mr. Perry.

2247

2248 Mr. Perry - Good morning. Really, as far as the definitions go, adjacent... what  
2249 previously was in the regulation was "at or near the shoreline" and that has been crossed out "at or  
2250 near." And what the Chesapeake Bay Local Assistance Department tried to do is clarify what was  
2251 "at or near" and they used the term "adjacent." I'm comfortable with the term "adjacent." As far as I  
2252 am concerned, it's going to be next to, when you have wetlands that basically are adjacent to or next  
2253 to or near the stream, then they are considered to be contiguous and that's where the RPA line is  
2254 drawn from. I don't have a problem. Our interpretation isn't going to change due to this change

2255 from “at or near” to now being “adjacent” it’s going to have no effect on how we look at things at all.  
2256 Until David brought that up, I’ll be honest with you, we didn’t even give it a second thought. I’m  
2257 fine with the language as adjacent, as Chesapeake Bay has chosen to try and further clarify what is  
2258 “at or near.” Unless that is a concern to the Planning Commission, I would recommend we leave it  
2259 as written. And, David, I don’t see the County going out and making any changes whatsoever. To  
2260 be honest with you, I don’t think the engineers are going to have any problems with that language “at  
2261 or near” and now becoming “adjacent.” I’m just a little confused of what the real concern is there.

2262

2263 Mr. Jernigan - When David and I discussed this, the way I would say adjacent property is  
2264 touches.

2265

2266 Mrs. Ware - Next to.

2267

2268 Mr. Jernigan - Next to and touching.

2269

2270 Mr. Perry - Which to me would work in their benefit. If I’m on the development side, it  
2271 would work to their benefit rather than “at or near.” “At or near” you can take in land, you can take  
2272 in wetlands that weren’t, as you say, touching. So, I’m a little confused why they would be  
2273 concerned about that.

2274

2275 Mr. Root - Would we be able to add contiguous and adjacent (unintelligible)?

2276

2277 Mr. Jernigan - David, you will have to come up to the mike in order for us to pick you up.

2278

2279 Mr. Perry - Okay. If the answer is that it has to be contiguous to I mean that would further  
2280 restrict them in my opinion. That means that they would have to be touching. You know adjacent  
2281 to, contiguous to. Again, I’m not exactly sure.... I think it further clarifies what “at or near” is. I  
2282 mean near is kind of a nebulous term. I mean how near is near. Adjacent, as Mrs. Ware indicated,  
2283 kind of implies that it’s touching, it’s a part of it. I think it further redefines it and that’s why  
2284 Chesapeake Bay chose to make that change; and it’s not necessarily an environmentally friendly  
2285 change, in my opinion.

2286

2287 Mr. Jernigan - And the other thing was perennial.

2288

2289 Mr. Perry - For the purpose of generally determining whether water bodies have perennial  
2290 flow. Okay. This is how you determine whether something has perennial flow. Local governments  
2291 may use one of the following methods as long as the methodology is adopted into the local program  
2292 and is applied consistently. We can use USGS or we can use a scientifically valid system of field  
2293 indicators of perennial flow. However, site-specific determination shall be made or confirmed by the  
2294 local government. We do exactly that. I mean, currently we allow and determine whether something  
2295 is perennial or not. We have a scientific methodology that we use. As a matter of fact, one that  
2296 comes to mind was Three Chopt Village. There were some concerns by some residents whether a  
2297 stream was perennial or not. We went out and used our scientific methodology and determined that  
2298 it was not perennial for that section. I don’t see that changing. The definition of what perennial is,  
2299 the actual scientific methodology that the County uses, that has been accepted. The Chesapeake Bay

2300 Local Assistance Department came out to that site at the request of the citizens and determined that  
2301 we made the right call.

2302

2303 Again, I do not see that changing as a result of these regulations. I don't see where it's implied that  
2304 we would change. And, again, I'm not sure what the Homebuilder's concern really is. I mean the  
2305 standard operating procedure in the County is they make the call on whether something is perennial  
2306 or not. They know our guidance. It's in part of our Environmental Stormwater Manuel. If we  
2307 disagree we come out to the site, we talk about it and then they reserve the right to call the  
2308 Chesapeake Bay Local Assistance Department if they choose. It's still a County call anyway, but  
2309 certainly we would listen to some other experts and we operate like that. I'll be honest with you, the  
2310 times whether something is perennial or not that can't be worked out, I would dare say you are  
2311 probably talking about one or two percent of the time. It's pretty cut and dry.

2312

2313 Mr. Jernigan - So, what you are saying is the perennial didn't really change this year as  
2314 compared to what we have been doing in the past.

2315

2316 Mr. Perry - Exactly. I mean, it's the way we have been doing business all along,  
2317 determining whether a stream is perennial or not. If it's in doubt, we have a scientific methodology  
2318 and it's something that the engineering community is aware of. They can come out and meet with  
2319 us, discuss it, I mean they have their own experts. And that's how we resolve all these matters,  
2320 whether something is a wetland, whether it's a perennial stream. It's standard operating procedure  
2321 for us. So, to say that there is concern on both of those, I just don't see that concern. I don't see a  
2322 change. I don't see a necessary change. I don't see the Regulations requiring Henrico County to  
2323 change the way we operate at all. After listening to Mr. Root and looking at the Regulations, it's  
2324 business as usual for us.

2325

2326 Mr. Marles - It sounds like, Jeff, on the question of perennial, there really is no change in  
2327 standards, no change in methodology. Does that satisfy your question, David?

2328

2329 Mr. Root - That's what we were looking for. And the problem is in some areas....

2330

2331

2332 Mr. Perry - I can see.... You are absolutely right. In some localities....

2333

2334 Mr. Root - Some localities are taking this opportunity with the change in the Regulations  
2335 to reconfigure the way they do it; and I just wanted to make sure that Henrico is not going to do that  
2336 and we have heard that today. So, thanks.

2337

2338 Mr. Jernigan - Are there any more questions for Mr. Perry?

2339 Mr. Perry - And just for the record, I did pass out information from the Chesapeake  
2340 Bay.... Because as we discussed earlier this week, Mr. Chairman, there was some concern whether  
2341 we were using the Guidance or the Regulations; and we were just using the regulations and not the  
2342 Guidance. So if anyone is wondering what I passed out, that's what it is. I was afraid that issue may  
2343 come up today after our conservation, so I just passed that out for clarification.

2344

2345 Mr. Jernigan - Okay, thank you, Jeff.  
2346

2347 Mr. Vanarsdall - What do we do with it now?  
2348

2349 Mr. Jernigan - Mr. Secretary, I assume we need a motion to pass the ordinance.  
2350

2351 Mr. Marlles - Yes, sir. You need to make a recommendation to recommend to the Board of  
2352 Supervisors these two proposed ordinance amendments. They are just like any other ordinance  
2353 amendment. And, of course, the Board will hold its own public hearing. The Planning  
2354 Commission's recommendation is only advisory but that is the next step.  
2355

2356 Mr. Jernigan - With that then, I will make a recommendation on Ordinance 19-72 of the  
2357 Code of Henrico County form and content be sent to the Board of Supervisors for their approval.  
2358

2359 Mr. Vanarsdall - Second.  
2360

2361 Mr. Jernigan - We have a motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
2362 favor say aye...all opposed say nay. The motion passes.  
2363

2364 Mr. Jernigan - And on the second one I recommend we send and reordain Section 24-3 of the  
2365 Code of Henrico County entitled "Definitions" Subsection (d) of Section 24-106 entitled "Plans of  
2366 Development (POD), Administrative and Schematic Site Plans," and Section 24-106.3 entitled  
2367 "Chesapeake Bay Preservation" be sent to the Board of Supervisors for their approval.  
2368

2369 Mr. Taylor - Second.  
2370

2371 Mr. Jernigan - We have a motion by Mr. Jernigan and seconded by Mr. Taylor. All in favor  
2372 say aye...all opposed say nay. The motion passes.  
2373

2374 Mr. Vanarsdall - Thank you, Jeff. Thank you, Dave, for coming.  
2375

2376 Mr. Jernigan - Thank you, gentlemen.  
2377

2378 Mr. Marlles - Mr. Chairman, I just want to remind the Commission that the new cell phones  
2379 are available. I believe Melba has been in contact with most of you. The cell phones are in, so if you  
2380 would like to exchange your old cell phones for your new cell phone they are available and we do  
2381 believe that these new cell phones will save a lot of cost to the County. There will be cost savings.  
2382 We also think they have some features that will better serve the members of the Commission and  
2383 staff that use them. They are pretty nice little models. They are Motorola and they have some  
2384 features on them that I think you will find nifty. So, they are available.  
2385 Mr. Jernigan - Do we have a motion to adjourn?  
2386

2387 Mr. Taylor - Move, we adjourn, Mr. Chairman.  
2388

2389 Mr. Vanarsdall - Second.

2390

2391 Mr. Jernigan - We have a motion by Mr. Taylor and seconded by Mr. Vanarsdall. All in  
2392 favor say aye...all opposed say nay. The motion passes.

2393

2394 On a motion by Mr. Taylor and seconded by Mr. Jernigan, the Planning Commission adjourned its  
2395 January 22, 2003, meeting at 11:35 a.m.

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E. Ray Jernigan, C.P.C., Chairperson

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John R. Marlles, AICP, Secretary

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