

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County,
2 held in the Board Room of the County Administration Building in the Government Center
3 at Parham and Hungary Spring Roads, beginning at 9:00 a.m. Wednesday, January 23,
4 2008.

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Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)
Mrs. Bonnie-Leigh Jones, Vice Chairperson (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP, Acting Director of Planning,
Secretary
Mr. Richard W. Glover (Brookland)
Board of Supervisors Representative

Members Absent: Mr. Tommy Branin (Three Chopt)

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning
Ms. Leslie A. News, CLA, Principal Planner
Mr. James P. Strauss, CLA, County Planner
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
Mr. Michael F. Kennedy, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Matt Ward, County Planner
Mr. Gregory Garrison, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Ms. Aimee Berndt, County Planner
Mr. Jonathan W. Steele, G.I.S. Manager
Ms. Diana B. Carver, Recording Secretary

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Mr. Richard W. Glover, the Board of Supervisors representative, abstains from voting on all cases unless otherwise noted.

11 Mr. Jernigan - On behalf of the Planning staff and the Planning Commission, we'd
12 like to welcome everybody to our January 23rd hearing for Plans of Development and
13 Subdivisions. I'd like to welcome Mr. Glover, our sitting member from the Board of
14 Supervisors. With that, I'll turn the meeting over to Mr. Emerson, our secretary.

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Mr. Emerson - Thank you, Mr. Chairman. The first item on the agenda today is the request for deferrals and withdrawals. Those will be handled by Ms. Leslie News.

19 Ms. News - Good morning, Mr. Chairman, Mr. Secretary, Members of the
20 Commission. We have five items on the list for deferrals and withdrawals this morning.
21 The first item is in the Varina District and is found on page 20 of your agenda. This is

22 SUB-28-07. It's a reconsideration for Selph Ridge (May 2006 Plan). The applicant has
23 requested a deferral to the February 27, 2008 meeting.
24

25 **SUBDIVISION RECONSIDERATION** *(Deferred from the December 12, 2007 Meeting)*
26

SUB-28-06 Selph Ridge (May 2006 Plan) White Oak and Elko Roads	Engineering Design Associates for FJCB, LLC: The 9.997-acre site proposed for a subdivision of 8 single- family homes is located approximately 700 feet north of Chillie Lane and Scaffold Court on parcel 856-705-2677. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. (Varina) 8 Lots
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27
28 Mr. Jernigan - Is there any opposition to the deferral of SUB-28-06, Selph
29 Ridge (May 2006 Plan)? No opposition. With that, I will move for deferral of SUB-28-06,
30 Selph Ridge (May 2006 Plan), to February 27, 2008, by request of the applicant.
31

32 Mr. Vanarsdall - Second.
33

34 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
35 favor say aye. All opposed say no. The ayes have it; the motion passes.
36

37 At request of the applicant, the Planning Commission deferred SUB-28-06, Selph Ridge
38 (May 2006 Plan), to its February 27, 2008 meeting.
39

40 Ms. News - Next on page 21 of your agenda and located in the
41 Tuckahoe District is POD-68-07. This is a master plan and POD for The Shire @ Pump
42 and Church in the Tuckahoe District. The applicant is requesting a deferral to the
43 February 27, 2008 meeting.
44

45 **PLAN OF DEVELOPMENT & MASTER PLAN**
46 *(Deferred from the December 12, 2007 Meeting)*

47
POD-68-07
The Shire @ Pump and
Church – Church Road
and Pump Road

Kimley Horn for Kevin McFadden and The Rebkee Company: Request for approval of a plan of development and master plan as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct five, one-story retail buildings (Buildings 1-5) totaling 50,480 square feet and a master plan for a future one-story retail building (Building 6) totaling 12,900 square feet. The 21-acre site is located at the southwest corner of the intersection of Pump and Church Roads on parcels 739-754-7156 and 739-753-1396. The zoning is B-2C, Business District (Conditional), C-1C, Conservation District, RTHC, Residential Townhouse District (Conditional) and R-3AC, One-Family Residence District (Conditional), B-3, Business District and R-5A, General Residence District. County water and sewer. **(Tuckahoe)**

48
49 Mr. Jernigan - Is there any opposition to the deferral of POD-68-07, and the
50 master plan for The Shire @ Pump and Church? No opposition, Mrs. Jones.

51
52 Mrs. Jones - I move deferral of POD-68-07, and the master plan for The
53 Shire @ Pump and Church, to the February 27, 2008 meeting, by request of the
54 applicant.

55
56 Mr. Vanarsdall - Second.

57
58 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in
59 favor say aye. All opposed say no. The ayes have it; the motion passes.

60
61 At the request of the applicant, the Planning Commission deferred POD-68-07, The
62 Shire @ Pump and Church, to its February 27, 2008 meeting.

63
64 Ms. News - The next item is on page 27 of your agenda and located in
65 the Tuckahoe District. This is POD-3-08, Third Presbyterian Church Addition. The
66 applicant requests deferral to the February 27, 2008 meeting.

67

68 **PLAN OF DEVELOPMENT**

69

POD-3-08 **Rummel Klepper & Kahl, LLP for Trustees of Third Presbyterian Church:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two and a half story, 46,268 square foot addition to an existing church, a tot lot and parking area improvements. The 3.34-acre site is located at on the west line of Forest Avenue at its intersection with Silverspring Drive on parcels 756-737-8569, 7779, 7986 and 757-737-0393. The zoning is R-3, One-Family Residence District and R-2, One-Family Residence District. County water and sewer. **(Tuckahoe)**

70

71

72 Mr. Jernigan - Is there any opposition to the deferral of POD-3-08, Third
73 Presbyterian Church Addition? No opposition.

74

75 Mrs. Jones - I move deferral of POD-3-08, Third Presbyterian Church
76 Addition, to the February 27, 2008 meeting, by request of the applicant.

77

78 Mr. Vanarsdall - Second.

79

80 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in
81 favor say aye. All opposed say no. The ayes have it; the motion passes.

82

83 At the request of the applicant, the Planning Commission deferred POD-3-08, Third
84 Presbyterian Church Addition, to its February 27, 2008 meeting.

85

86 Ms. News - The next item is on page 34 of your agenda and is located in
87 the Brookland District. This is POD-4-08, Flagstop Carwash @ Parham Road. The
88 applicant has requested a deferral to the February 27, 2008 meeting.

89

90 **PLAN OF DEVELOPMENT**

91

POD-4-08 **Balzer & Associates, Inc. for Royal Oldsmobile Company and Robert C. Schrum, Jr.:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 4,160 square foot carwash. The 2.17-acre site is located on the south line of E. Parham Road, approximately 550 feet east of W. Broad Street (U.S. Route 250) on parcels 762-754-6047 and part of 7326. The zoning is B-3, Business District and B-3C, Business District (Conditional). County water and sewer. **(Brookland)**

92
93 Mr. Jernigan - Is there any opposition the deferral of POD-4-08, Flagstop
94 Carwash @ Parham Road? No opposition, Mr. Vanarsdall.

95
96 Mr. Vanarsdall - I move that POD-4-08, Flagstop Carwash @ Parham Road,
97 be deferred to February 27, 2008, at the applicant's request.

98
99 Mr. Archer - Second.

100
101 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
102 favor say aye. All opposed say no. The ayes have it; the motion carries.

103
104 At the request of the applicant, the Planning Commission deferred POD-4-08, Flagstop
105 Carwash @ Parham Road, to it's February 27, 2008 meeting.

106
107 Ms. News - The final item is on page 39 of your agenda and is located in
108 the Three Chopt District. This is POD-42-06, West Broad Village – Prospect Homes
109 Townhomes. There is an addendum item indicating a change in the caption from Eagle
110 to Prospect Homes. The applicant is requesting a deferral to the February 27, 2008
111 meeting.

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113 **PLAN OF DEVELOPMENT – PROSPECT HOMES ARCHITECTURALS**

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

Timmons Group and Lessard Group, Inc. for Eagle Construction of Virginia and Unicorp National Developments, Inc.: Request for approval of Prospect Homes architectural plans, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 96 townhouses for sale (brownstones). The 12-acre portion of the 115.04-acre site is located along the south line of W. Broad Street (U. S. Route 250), the north line of Three Chopt Road, and the east line of the future John Rolfe Parkway on part of parcel 742-760-7866. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

115
116 Mr. Jernigan - Is there any opposition to the deferral of POD-42-06, West
117 Broad Village – Prospect Homes? No one.

118
119 Mrs. Jones - Mr. Chairman, I will not be voting on this item due to a
120 representational conflict.

121
122 Mr. Jernigan - Okay. Thank you. Mr. Archer?

123

124 Mr. Archer - Yes. I will move deferral of POD-42-06, West Broad Village,
125 to the February 27, 2008 meeting, at the applicant's request.

126
127 Mr. Vanarsdall - Second.

128
129 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
130 favor say aye. All opposed say no. The ayes have it; the motion passes.

131
132 The vote was as follows:

133
134 Mr. Jernigan - Yes
135 Mrs. Jones - Abstain
136 Mr. Archer - Yes
137 Mr. Vanarsdall - Yes
138 Mr. Branin - Absent

139
140 At the request of the applicant, the Planning Commission deferred POD-42-06, West
141 Broad Village, to its February 27, 2008 meeting.

142
143 Ms. News - Staff is not aware of any further deferrals.

144
145 Mr. Emerson - Does the Commission have any deferrals that they wish to
146 make at this time? With that, the next item on your agenda is the expedited agenda. In
147 order to be on the expedited agenda, the staff must be recommending approval of the
148 applicant's request subject to the annotations on the plan and the applicant must be in
149 agreement with staff's recommendations. If there is any known opposition to the
150 approval of a plan, the items shall be removed from the expedited agenda. Ms. News
151 will be handling the expedited agenda. I would like to note at this time that our Board
152 member, Mr. Glover, has indicated that his vote should be recorded as an abstention,
153 unless he notes otherwise.

154
155 Ms. News - There are 12 items on the expedited agenda this morning.
156 The first item is found on page 4 of your agenda and is located in the Brookland District.
157 This is a transfer of approval, POD-95-79 for the Hartford Office Building. Staff
158 recommends approval.

159

160 **TRANSFER OF APPROVAL**

161

POD-95-79 **Catholic Diocese of Richmond:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Parham and Broad, A Virginia Partnership and HCC, LC to Catholic Diocese of Richmond. The 4.04-acre site is located on the southwest corner of the intersection of E. Parham Road and Shrader Road on parcel 763-754-6737. The zoning is O-3, Office District. County water and sewer. **(Brookland)**

162

163 Mr. Jernigan - Is there opposition to transfer of approval POD-95-79,
164 Hartford Office Building? No opposition.

165

166 Mr. Vanarsdall - I move that POD-95-79, Hartford Office Building, be
167 approved with condition #1.

168

169 Mrs. Jones - Second.

170

171 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mrs. Jones. All in
172 favor say aye. All opposed say no. The ayes have it; the motion carries.

173

174 The Planning Commission approved the transfer of approval for POD-95-79, Hartford
175 Office Building, from Parham and Broad, A Virginia Partnership and HCC, LC to
176 Catholic Diocese of Richmond, subject to the standard and added conditions previously
177 approved, and the following additional condition:

178

- 179 1. The applicant has corrected all deficiencies as identified in the inspection report
180 dated **November 1, 2007** with the exception of missing landscaping. A bond
181 shall be posted to cover the remaining landscaping site deficiencies, and such
182 deficiencies shall be corrected by **May 15, 2008**.

183

184 Ms. News - The next item is located in the Varina District. This is a
185 transfer for approval for POD-29-07, Sam's Club @ The Shops at White Oak Village.
186 Staff recommends approval.

187

188 **TRANSFER OF APPROVAL**

189

POD-29-07 **Troutman Sanders, LLP for Sam's East, Inc.:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Forest City Commercial Group and Laburnum Associates LLC to Sam's East, Inc., A Delaware Corporation. The 13.39-acre site is located at the northeast intersection of Audubon Drive and S. Laburnum Avenue on parcel 816-717-3498. The zoning is B-3C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

190

191 Mr. Jernigan - Is there any opposition to transfer of approval POD-29-07,
192 Sam's Club @ The Shops at White Oak Village? No opposition. With that, I will move
193 for approval of transfer of approval POD-29-07, Sam's Club @ The Shops at White Oak
194 Village.

195

196 Mrs. Jones - Second.

197

198 Mr. Jernigan - Motion made by Mr. Jernigan, seconded by Mrs. Jones. All
199 in favor say aye. All opposed say no. The ayes have it; the motion passes.

200

201 The Planning Commission approved the transfer of approval for POD-29-07, Sam's
202 Club @ The Shops at White Oak Village, from Forest City Commercial Group and
203 Laburnum Associates, LLC to Sam's East, Inc., subject to the standard and added
204 conditions previously approved.

205

206 Ms. News - The next item is on page 6 of your agenda and located in the
207 Brookland District. This is a transfer of approval for POD-10-81, the Beatley & Gravitt
208 Office Building. Staff recommends approval.

209

210 **TRANSFER OF APPROVAL**

211

POD-10-81 **hd Dabney Road, LLC for J. Irvin Beatley Et Als:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from J. Irvin Beatley Et Als to hd Dabney Road, LLC. The 0.5-acre site is located on the east line of Dabney Road, approximately 750 feet north of Jacque Street at 2219 Dabney Road on parcel 778-736-1875. The zoning is M-2, General Industrial District. County water and sewer. **(Brookland)**

212

213 Mr. Jernigan - Is there any opposition to transfer of approval POD-10-81,
214 Beatley & Gravitt Office Building? No opposition, Mr. Vanarsdall.

215 Mr. Vanarsdall - With that, I move that transfer of approval POD-10-81,
216 Beatley & Gravitt Office Building, be approved on the expedited agenda.

217
218 Mr. Archer - Second.

219
220 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
221 favor say aye. All opposed say no. The ayes have it; the motion passes.

222
223 The Planning Commission approved transfer of approval for POD-10-81, Beatley &
224 Gravitt Office Building, from J. Irvin Beatley Et Als to hd Dabney Road, LLC, subject to
225 the standard and added conditions previously approved.

226
227 Ms. News - Next on page 7 of your agenda and located in the Brookland
228 District is a transfer of approval for POD-67-85, Paragon Place I. Staff recommends
229 approval.

230
231 **TRANSFER OF APPROVAL**

232
POD-67-85 **Brandywine Operating Partnership, LP for DRA CRT**
Paragon Place I – **Paragon Place Center, LLC:** Request for transfer of
6800 Paragon Place approval as required by Chapter 24, Section 24-106 of the
Henrico County Code from DRA CRT Paragon Place
Center, LLC to Brandywine Operating Partnership, L.P.
The 8.1-acre site is located on the south line of Bethlehem
Road, approximately 675 feet south of Glenside Drive at
6800 Paragon Place on parcel 768-746-6985. The zoning
is B-2C, Business District (Conditional). County water and
sewer. **(Brookland)**

233
234 Mr. Jernigan - Is there any opposition to transfer of approval POD-67-85,
235 Paragon Place I? No opposition.

236
237 Mr. Vanarsdall - I move transfer of approval POD-67-85, Paragon Place I, be
238 approved on the expedited agenda with Condition #1.

239
240 Mr. Archer - Second.

241
242 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
243 favor say aye. All opposed say no. The ayes have it; the motion passes.

244
245 The Planning Commission approved the transfer of approval request for POD-67-85,
246 Paragon Place I, from DRA CRT Paragon Place Center, LLC to Brandywine Operating
247 Partnership, L.P., subject to the standard and added conditions previously approved,
248 and the following additional condition:

249

250 1. The site deficiencies, as identified in the inspection report dated **January 4, 2008**
251 shall be corrected by **March 31, 2008**.

252
253 Ms. News - The next item is on page 8 of your agenda and located in the
254 Three Chopt District. This is transfer of approval for POD-13-82, Willard Building. Staff
255 recommends approval.

256
257 **TRANSFER OF APPROVAL**

258
POD-13-82 **Williams Mullen for FC Richmond I, LLC:** Request for
Willard Building – transfer of approval as required by Chapter 24, Section 24-
2601 Willard Road 106 of the Henrico County Code from North Gayton
Company to FC Richmond I, LLC. The 1.136-acre site is
located on the south line of Willard Road between Waco
Street and Grenoble Road on parcel 765-748-1932. The
zoning is M-1, Light Industrial District. County water and
sewer. **(Three Chopt)**

259
260 Mr. Jernigan - Is there any opposition to transfer of approval POD-13-82,
261 Willard Building? No opposition.

262
263 Mr. Archer - Mr. Chairman, I move approval of POD-13-82, Willard
264 Building, subject to the staff recommendation.

265
266 Mr. Vanarsdall - Second.

267
268 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
269 favor say aye. All opposed say no. The ayes have it; the motion passes.

270
271 The Planning Commission approved the transfer of approval for POD-13-82, Willard
272 Building, from North Gayton Company to FC Richmond I, LLC., subject to the standard
273 and added conditions previously approved.

274
275 Ms. News - The next item is on page 9 of your agenda and is located in
276 the Three Chopt District. This is a transfer of approval for POD-93-84, Forest Plaza I
277 Building. Staff recommends approval.

278

279 **TRANSFER OF APPROVAL**

280

POD-93-84 **Williams Mullen for FC Richmond II, LLC:** Request for
Forest Plaza I Building – transfer of approval as required by Chapter 24, Section 24-
7201 Glen Forest Avenue 106 of the Henrico County Code from Virginia Investment
Corporation and Pruitt Properties, Inc. to FC Richmond II,
LLC. The 2.798-acre site is located on the northwest
corner of the intersection of Forest Avenue and Glen
Forest Drive on parcel 764-745-2062. The zoning is O-3C,
Office District (Conditional). County water and sewer.
(Three Chopt)

281

282 Mr. Jernigan - Is there any opposition to transfer of approval POD-93-84,
283 Forest Plaza I Building? No opposition.

284

285 Mr. Archer - Mr. Chairman, I move approval on the expedited agenda of
286 transfer of approval POD-93-84, Forest Plaza I Building.

287

288 Mrs. Jones - Second.

289

290 Mr. Jernigan - Motion by Mr. Archer, seconded by Mrs. Jones. All in favor
291 say aye. All opposed say no. The ayes have it; the motion passes.

292

293 The Planning Commission approved the transfer of approval for POD-93-84, Forest
294 Plaza I Building, from Virginia Investment Corporation and Pruitt Properties, Inc. to FC
295 Richmond II, LLC, subject to the standard and added conditions previously approved.

296

297 Ms. News - The next item is on page 10 of your agenda and is located in
298 the Three Chopt District. This is a transfer of approval for POD-95-96, Capstone
299 Building. Staff recommends approval.

300

301 **TRANSFER OF APPROVAL**

302

POD-95-96 **Williams Mullen for FC Richmond II, LLC:** Request for
Capstone Building – transfer of approval as required by Chapter 24, Section 24-
7100 Forest Avenue 106 of the Henrico County Code from F. G. Pruitt, Inc. to
FC Richmond II, LLC. The 2.78-acre site is located on the
northeast corner of the intersection of Forest Avenue and
Glen Forest Drive on parcel 764-745-7040. The zoning is
O-3C, Office District (Conditional). County water and
sewer. **(Three Chopt)**

303

304 Mr. Jernigan - Is there any opposition to transfer of approval POD-95-96,
305 Capstone Building? No opposition.

306

307 Mr. Archer - Mr. Chairman, I move approval of transfer of approval POD-
308 95-96, Capstone Building, in the Three Chopt District.

309
310 Mr. Vanarsdall - Second.

311
312 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
313 favor say aye. All opposed say no. The ayes have it; the motion passes.

314
315 The Planning Commission approved the transfer of approval for POD-95-96, Capstone
316 Building, from F. G. Pruitt, Inc. to FC Richmond II, LLC, subject to the standard and
317 added conditions previously approved.

318
319 Ms. News - Next on page 11 is our final transfer of approval, which is in the Three
320 Chopt District for part of POD-111-98, the Meridian Building. Staff can recommend
321 approval.

322
323 **TRANSFER OF APPROVAL**

324
POD-111-98 (Part) **Williams Mullen for FC Richmond II, LLC and Hillcrest**
Meridian Building – **Investments, LLC:** Request for transfer of approval of a
1800 Bayberry Court portion of a plan of development as required by Chapter
24, Section 24-106 of the Henrico County Code from Pruitt
Properties, Inc. and Hillcrest Investments LLC to FC
Richmond II, LLC. The 4.37-acre site is located on the
west line of Bayberry Court, approximately 750 feet
northwest of Forest Avenue on parcel 762-746-9310. The
zoning is O-3C, Office District (Conditional) and R-6C,
General Residence District (Conditional). County water
and sewer. **(Three Chopt)**

325
326 Mr. Jernigan - Is there any opposition to transfer of approval POD-111-98
327 (Part), Meridian Building? No opposition.

328
329 Mr. Archer - Mr. Chairman, I move approval of transfer of approval POD-
330 111-98 (Part), Meridian Building.

331
332 Mr. Vanarsdall - Second.

333
334 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
335 favor say aye. All opposed say no. The ayes have it; the motion passes.

336
337 The Planning Commission approved the transfer of approval request for POD-111-98
338 (Part), Meridian Building, from Pruitt Properties, Inc. and Hillcrest Investments LLC to
339 FC Richmond II, LLC, subject to the standard and added conditions previously
340 approved.

341

342 Ms. News - The next item is on page 12 of your agenda and is located n
343 the Brookland District. This is a landscape and lighting plan for LP/POD-2-07. This is
344 Panera Bread and Retail Shops. There is an addendum item on page 1 of your
345 addendum indicating that the landscape and lighting plan was not included with the
346 original agenda and is included in this addendum. Staff can recommend approval.

347

348 **LANDSCAPE & LIGHTING PLAN**

349

LP/POD-2-07 **Vanasse Hangen Brustlin for Dynamic Commercial**
Panera Bread & Retail **Real Estate and Scott Chapman:** Request for approval of
Shops a landscape and lighting plan, as required by Chapter 24,
Sections 24-106 and 24-106.2 of the Henrico County
Code. The 1.63-acre site is located at the northwest corner
of the intersection of Staples Mill and Parham Roads on
parcels 769-755-9242 and 7449. The zoning is B-2C,
Business District Conditional. **(Brookland)**

350

351 Mr. Jernigan - Is there any opposition to the landscape and lighting plan,
352 LP/POD-2-07, Panera Bread and Retail Shops? There is opposition. Do you want to
353 show it now or do you want to pull it off?

354

355 Ms. News - We can pull it off the agenda and hear it with the regular
356 agenda, or we can put the plan up there.

357

358 Mr. Emerson - At the Commission's pleasure.

359

360 Mr. Jernigan - What would you like to do, Mr. Vanarsdall?

361

362 Mr. Vanarsdall - Pull it off and we'll handle it.

363

364 Mr. Jernigan - We're going to pull it off the expedited agenda and we'll
365 handle it in accordance with where it falls in with the rest of the cases. Okay?

366

367 Mr. Vanarsdall - We'll get together with you on it (speaking to person in the
368 audience.)

369

370 Ms. News - The next item is on page 16 of your agenda and is located in
371 the Varina District. This is SUB-2-08, New Market Landing (January 2008 Plan). Staff
372 can recommend approval.

373

374 **SUBDIVISION**

375

SUB-2-08
New Market Landing
(January 2008 Plan)

Potts, Minter & Associates, P.C. for Reginald H. and Sandra L. Webb: The 0.356-acre site proposed for a subdivision of 1 single-family home is located on the northeast corner of Osborne Turnpike (State Route 5) and Triple Oak Court on parcel 800-705-7654. The zoning is R-3, One-Family Residence District. County water and sewer. **(Varina) 1 Lot**

376

377 Mr. Jernigan - Is there any opposition to SUB-2-08, New Market Landing
378 (January 2008 Plan)? No opposition. With that, I'll move for approval of SUB-2-08, New
379 Market Landing (January 2008 Plan), subject to the annotations on the plans, the
380 standard conditions for subdivisions served by public utilities, and the following
381 additional conditions #12 and #13.

382

383 Mr. Vanarsdall - Second.

384

385 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
386 favor say aye. All opposed say no. The ayes have it; the motion passes.

387

388 The Planning Commission granted conditional approval to SUB-2-08, New Market
389 Landing (January 2008 Plan), subject to the standard conditions attached to these
390 minutes for subdivisions served by public utilities, the annotations on the plans, and the
391 following additional conditions:

392

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

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

403

404 Ms. News - The next item is on page 33 of your agenda and is located in
405 the Varina District. This is POD-83-07, 7-Eleven Convenience Store @ The Shops at
406 White Oak Village. There is an addendum item on page 4 of your addendum, which
407 includes a revised recommendation and a revised plan. The revised plan architectural
408 plans shows brick columns and a revised roof line for the fuel canopy as well as
409 additional brick detailing on the building and staff can recommend approval.

410

411 **PLAN OF DEVELOPMENT ARCHITECTURAL PLANS**

412 *(Deferred from the December 12, 2007 Meeting)*

413

POD-83-07
7-11 Convenience Store
@ The Shops at White
Oak Village – S.
Laburnum Avenue and
Audubon Drive

Blakeway Corporation for Laburnum Associates, LLC and 7-Eleven Inc.: Request for approval of architectural plans for a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 3,186 square foot, convenience store with fuel pumps in The Shops at White Oak Village Shopping Center. The 1.06-acre site is located on the east line of Laburnum Avenue approximately 250 feet north of Audubon Drive on part of parcel 815-718-5710. The zoning is B-3C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer.
(Varina)

414

415 Mr. Jernigan - Is there any opposition to POD-83-07, 7-Eleven
416 Convenience Store @ The Shops at White Oak Village? There is no opposition. With
417 that, I will move for approval of POD-83-07, 7-Eleven Convenience Store @ The Shops
418 at White Oak Village, subject to the annotations on the plan and the addendum, which
419 gives staff's recommendation.

420

421 Mr. Vanarsdall - Second.

422

423 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
424 favor say aye. All opposed say no. The ayes have it; the motion passes.

425

426 The Planning Commission approved POD-83-07, 7-Eleven Convenience Store @ The
427 Shops at White Oak Village, subject to the annotations on the plans and the standard
428 conditions attached to these minutes for developments of this type.

429

430 Ms. News - The final item is on page 38 of your agenda and is located in
431 the Three Chopt District. This is POD-53-07 formerly POD-51-97 Revised, Home Depot
432 @ Brookhollow Garden Center Expansion. There is an addendum item on page 5 of
433 your addendum indicating the plan now shows a garden center expansion of 1,240
434 square feet and have masonry walls and an ornamental screen fence, and additional
435 condition #38 being added indicating outdoor storage will only be in designated areas
436 and staff can recommend approval.

437

474 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

475
476 **PLANNING COMMISSION APPROVAL**

477

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
Lafayette Park (Formerly Malvern Hill Manor)(Jan. 2001 Plan)	121	80	6	Varina	01/21/09

478

479

480 **FOR INFORMATIONAL PURPOSES ONLY**

481

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB-59-06 Dalton Park @ Greenbrooke, Sec. C (November 2006 Plan)	29	21	0	Three Chopt	01/21/09
Hoke Brady Farm (October 2005 Plan)	43	43	1	Varina	01/21/09
Shady Oak Farm (January 2006 Plan)	16	16	1	Varina	01/21/09
Westin (January 2005 Plan)	34	34	2	Three Chopt	01/21/09

482

483 Ms. Goggin - Good morning. We have one subdivision today that does
484 require Planning Commission approval. There are four that are for informational
485 purposes only. The one that does require Planning Commission approval is Lafayette
486 Park. It was formally Malvern Hills Manor. Mr. Shields, the developer, was previously
487 delayed due to obtaining the Corps of Engineers permits necessary to start land
488 disturbance. Since obtaining those permits, the developer has received final approval
489 for 41 lots from the County, and he's about to submit the next section for final approval.
490 With this information, and considering the fact that the applicant is actively pursuing
491 construction and recordation of the subdivision, staff can recommend approval of the
492 extension of this subdivision.

493

494 Mrs. Jones - Is there any opposition to extending the subdivision for
495 Lafayette Park? No opposition.

496

497 Mr. Vanarsdall - With that, Madam Chairman, I move that this subdivision,
498 Lafayette Park, be approved as reported.

499

500 Mr. Archer - Second.

501

502 Mr. Vanarsdall - That will be until January 21, 2009.

503
504 Mrs. Jones - We have a motion by Mr. Vanarsdall, seconded by Mr.
505 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

506
507 The Planning Commission voted to approve subdivision extension of conditional
508 approval for 12 months, January 21, 2009, for Lafayette Park (January 2001 Plan).

509
510 Mr. Emerson - Madam Chairman, the next item on your agenda appears on
511 page 3.

512
513 **TRANSFER OF APPROVAL (Deferred from the October 24, 2007 meeting)**

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537

POD-65-95 (part) Grandpa Eddie's BBQ (Formerly Julian's Restaurant)	Hirschler Fleischer for Clarendon Associates, L.L.C.: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from DBD, LLC and Clarendon Associates, L.L.C. to Warren Chisholm Et Als. The 1.004-acre site is located on the southwestern line of Three Chopt Road, approximately 275 feet northwest of Church Road on parcel 746-757- 5993 .The zoning is B-2C, Business District (Conditional). County water and sewer. (Three Chopt)
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515
516 Ms. Goggin - There is a revised caption on page 1 of your handout
517 addendum clarifying that Mt. Vernon Baptist Church is the owner. Staff has received
518 verification from the church that they agree to accept responsibility for continued
519 compliance with the conditions of the original approval. Staff can recommend approval
520 of this request.

521
522 Mrs. Jones - Mr. Secretary, could you please reiterate the request?

523
524 Mr. Emerson - The request is for a transfer of approval. It's Hirschler
525 Fleischer for Clarendon Associates, LLC. It is a request for transfer of approval, as
526 required by Chapter 24, Section 24-106 of the Henrico County Code. It is from Mt.
527 Vernon Baptist Church and they wish to retain ownership. The 1.04-acre site is located
528 on the southwestern line of Three Chopt Road, approximately 275 feet northwest of
529 Church Road. The zoning is B2-C, Business District.

530
531 Mrs. Jones - Is there any opposition to transfer of approval POD-65-95
532 (part), Grandpa Eddie's BBQ (Formerly Julian's Restaurant)? Any questions? All right.

533
534 Mr. Archer - Madam Chairman, I move for approval of transfer of
535 approval POD-65-95 (part), Grandpa Eddie's BBQ (Formerly Julian's Restaurant),
536 subject to the staff's recommendation and the addendum item. Did I have to do
537 something with the name change?

538 Ms. News - The name change is being included as part of this transfer.
539 It formerly was Julian's Restaurant and it will now be called Grandpa Eddie's BBQ.

540
541 Mr. Archer - Then the motion is as stated.

542
543 Mr. Vanarsdall - Second.

544
545 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
546 favor say aye. All opposed say no. The ayes have it; the motion carries.

547
548 The Planning Commission approved the transfer of approval request for POD-65-95
549 (part), Grandpa Eddie's BBQ (Formerly Julian's Restaurant), from DBD, LLC and
550 Clarendon Associates, L.L.C. to Warren Chisholm Et Als, subject to the standard and
551 added conditions previously approved.

552
553 Mr. Emerson - Madam Chairman, that will take you to the next item on your
554 agenda, which is the item that was on your expedited agenda.

555 **LANDSCAPE & LIGHTING PLAN**

556
557 LP/POD-2-07 **Vanasse Hangen Brustlin for Dynamic Commercial**
Panera Bread & Retail **Real Estate and Scott Chapman:** Request for approval of
Shops a landscape and lighting plan, as required by Chapter 24,
Sections 24-106 and 24-106.2 of the Henrico County
Code. The 1.63-acre site is located at the northwest corner
of the intersection of Staples Mill and Parham Roads on
parcels 769-755-9242 and 7449. The zoning is B-2C,
Business District Conditional. **(Brookland)**

558
559 Mrs. Jones - Is there any opposition to LP/POD-2-07, Panera Bread &
560 Retail Shops?

561
562 Mr. Vanarsdall - Madam Chairman, I want to bypass this until Mr. Kennedy
563 comes back, and I'll find out if the citizen is okay with it. There you are.

564
565 Mrs. Jones - Mr. Kennedy?

566
567 Mr. Kennedy Hello. Actually, the landscaping has already been installed.
568 We're anticipating the opening this week for Panera and shortly thereafter, Starbucks.
569 The landscape plan is before you. They have buffers along Staples Mill Road and
570 Parham Road. The buffers meet the transitional buffer requirements. There is also a
571 transitional buffer adjacent to the adjoining property going to the north along Staples Mill
572 Road, which is this gentleman's property here. There is a proffer that requires a wall to
573 be bonded. If the property isn't developed within five years, the wall will be installed. A
574 bond has been posted for that. It will be a masonry wall that'll be installed if it's

575 developed for residential use. All lighting fixtures are sharp cut-off fixtures and they
576 meet all the minimum requirements.

577
578 Mrs. Jones - Is there opposition to LP/POD-2-07, Panera Bread & Retail
579 Shops?

580
581 Mr. Vanarsdall - Do you want to come down? Are you all right.

582
583 Mr. Howard Robertson - My questions have been answered. It's already been done.

584
585 Mr. Vanarsdall - Okay.

586
587 Mr. Robertson - Thank you.

588
589 Mr. Vanarsdall - Fine. Thank you.

590
591 Mrs. Jones - All right. With no opposition, Mr. Vanarsdall.

592
593 Mr. Vanarsdall - I recommend approval of LP/POD-2-07, Panera Bread &
594 Retail Shops, with annotations on the plans and standard conditions for landscape and
595 lighting plans, and then on the addendum the notation that it wasn't included in the
596 original agenda.

597
598 Mr. Archer - Second.

599
600 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
601 favor say aye. All opposed say no. The ayes have it; the motion carries.

602
603 The Planning Commission approved the landscape and lighting plan for LP/POD-2-07,
604 Panera Bread & Retail Shops, subject to the standard conditions attached to these
605 minutes for landscape and lighting plans.

606
607 **ALTERNATIVE FENCE HEIGHT PLAN - RESIDENCE**

608
TC-227 **Norman Rainer:** Request for approval of an alternative
Rainer Residence – fence height plan, as required by Chapter 24, Sections 24-
2008 Fondulac Road 106 and 24-95(l) 7 of the Henrico County Code to allow a
fence exceeding a height of 42 inches in a front yard. The
.55-acre site is located on the west line of Fondulac Road,
approximately 400 feet south of Anoka Road on parcel
758-748-2712. The zoning is R-2, One-Family Residence
District. **(Three Chopt)**

609
610 Mrs. Jones - Is anyone in opposition to TC-277, Rainer Residence?
611 There is no opposition.

612

613 Ms. Berndt - The applicant requests approval to construct a privacy fence
614 exceeding the allowable height of 42 inches in the front yard along the south side
615 property line adjacent to the neighboring residential property. As you may see on this
616 plan, the fence would be added to an existing 22-inch high brick wall with 5-foot pillars
617 at each end. The fence is proposed to be white vinyl board-on-board, outer banks style
618 fencing, and would make the fence and existing pillars uniformly 5 feet tall.

619
620 This alternative fence height would constitute an 18-inch height deviation in excess of
621 what is permitted by code for the portion of the fence that lies within the front yard
622 setback area, a distance of 33-1/2 feet. The applicant has already installed six shrubs
623 along the existing wall. The County code limits the maximum fence height in a
624 residentially-zoned front yard to 3 feet, 6 inches, unless an alternative fence height is
625 approved by the Planning Commission.

626
627 Staff is unaware of any opposition to the proposed fence. Should the Commission act
628 on this request, staff recommends the standard conditions for landscape plans and
629 conditions 5 and 6 in your agenda. The applicant, Dr. Norman Rainer, is here to answer
630 any questions you may have of him, and I'm happy to any questions the Commission
631 may have of me. Thank you.

632
633 Mrs. Jones - Any questions for Aimee? I have one quick one. Just
634 confirm for me. Pillars or the end posts of fences, do they have to comply with the
635 requirements?

636 Ms. Berndt - Correct. They do not have to comply.

637
638 Mrs. Jones - Okay. Shall we hear from the applicant?

639
640 Mr. Archer - I don't think we need to. I just want to make sure the
641 applicant understands condition #5, that the landscaping as identified shall be installed
642 no later than May 30th.

643
644 Ms. Berndt - It's been installed, hasn't it? The landscaping has been
645 installed, the shrubs?

646
647 Dr. Rainer - That is correct.

648
649 Ms. Berndt - Yes.

650
651 Mr. Archer - Is there anything additional to be installed? Okay.

652
653 Mrs. Jones - I do have a question along those lines. Aimee, the
654 landscaping looks to be arborvitae kind of plants, which being evergreen will grow how
655 tall? Wouldn't they accomplish the same goal as a fence, which violates the code?
656
657

658 Ms. Berndt - Perhaps in time. I don't know the ultimate height of an
659 arborvitae.

660
661 Mrs. Jones - Well, I'm no landscaping person. It just looked that way to
662 me. I question with other fences in the neighborhood complying with the requirements,
663 that this might look quite large, especially being white against the brick and having a lot
664 of visual impact. I honestly would like to hear from the applicant to tell us why this is
665 necessary.

666
667 Ms. Berndt - Dr. Rainer?

668
669 Dr. Rainer - [Off mike.] The purpose of—

670
671 Mrs. Jones - Could you come to the microphone, sir? Thank you very
672 much.

673
674 Ms. Berndt - I'm going to put up some photos of the property here.

675
676 Dr. Rainer - The purpose of the fence. Actually, if we look at the
677 photograph, the fence would add balance to the existing brick wall structure. Right now,
678 if we take a hard look at that brick wall, it looks like there's almost something missing.
679 It's a very low structure and it looks very functional. Actually, its function is a flood water
680 retaining wall. This would be a white vinyl outer banks fence, a very attractive fence.
681 We certainly do want to have that fence in the rear of the house. In other words,
682 beyond the front portion of the house. The other purpose of the fence is to improve the
683 appearance of not only my property, but of the neighborhood. The adjacent property is
684 considered—how shall I say—the pig sty of the neighborhood. It's unpleasant to look
685 at. Now, most of the traffic comes in from the direction of Anoka Road, so cars traveling
686 in the direction of my property would not see the adjacent property because of the
687 fence. The white fence would further enhance that part of the wall because we have a
688 very nice brick wall with some evergreens in front of it. The white would, I'd say,
689 compliment the appearance of the brick wall, which otherwise is perhaps rather stark in
690 appearance.

691
692 Mrs. Jones - Dr. Rainer, have you considered putting additional fencing
693 on top of your brick wall that would still meet the requirements of the code?

694
695 Dr. Rainer - Well, that would have an unusual appearance because that
696 fencing would only be 20 inches high. It would look disproportionate to the rest of the
697 fence, the adjoining fence in the back of the brick wall, which would be at a total of five
698 feet above ground level. Vision-wise, the transition between a section of 5-foot tall
699 fencing, and then going down to a small fence only 20 inches high sitting on top of the
700 brick wall, which would look rather awkward. For the purpose of a balanced,
701 symmetrical appearance, the uniform height of the fencing throughout the length of the
702 brick wall I think would present the most aesthetically acceptable appearance.

703

704 Mrs. Jones - The reason the code is written as it is, is because we try not
705 to have fences make fortress-like divisions between homes in the front yards. Your
706 neighbor across the street has a stockade-type fence, which is low in the front until it
707 gets to the back of the property and then is a much higher fence. The reason for that is
708 so that the property is not walled off. I'm concerned that this will have that effect.

709
710 Dr. Rainer - The nature of the fence—it's called an outer banks fence—
711 where we have spaces between the pickets.

712
713 Mrs. Jones - How much?

714
715 Dr. Rainer - Half-inch spaces between the vinyl pickets. It by no means
716 presents a stockade appearance. Quite the contrary. It's more of a decorative fence in
717 comparison with a stockade type of fence. It's a very decorative, pleasant appearing
718 fence and an expensive one at that. It is by no means a wooden stockade fence.

719
720 Mrs. Jones - I appreciate the explanation. I do agree that the view to your
721 next door neighbor is not wonderful. It looks like a definite work in progress and I can
722 understand your wanting to screen.

723
724 Dr. Rainer - Might I add that there's another reason for the fence, which I
725 presented in my written application. We have some problems in terms of let's say
726 compatibility with the neighbor. The fence would further serve to insulate us from the
727 neighbor. As I understand it, the neighbor is happy with that and Mrs. Marks will accept
728 that. I think it would make for more compatible living between the two families.

729
730 Mrs. Jones - Any other questions for the applicant? None? All right.

731
732 Mr. Archer - Thank you, sir.

733
734 Mrs. Jones - Thank you.

735
736 Mr. Archer - As is usual in alternative fence height plans, we do look for
737 comparisons in the neighborhood and I think we do have it. With that, and based on Mr.
738 Branin's approval, I will move for approval of TC-277, Rainer Residence, subject to
739 conditions #5 and #6, and the owner knowing he's responsible for continued
740 maintenance.

741
742 Mr. Vanarsdall - Second.

743
744 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
745 favor say aye. All opposed say no.

746
747 Mr. Glover - Mr. Secretary, I'd like to cast a vote in the case and it would
748 be nay.

749

750 Mrs. Jones - We have a vote of two in favor and two against. Mr.
751 Secretary?

752

753 Mr. Emerson - Yes ma'am.

754

755 Mrs. Jones - Help me out here, please.

756

757 Mr. Emerson - That takes us to a tie vote, which would deny it.

758

759 The vote was as follows:

760

761 Mr. Jernigan - Absent

762 Mrs. Jones - No

763 Mr. Archer - Yes

764 Mr. Vanarsdall - Yes

765 Mr. Branin - Absent

766 Mr. Glover - No

767

768 Mrs. Jones - Next case.

769

770 Mr. Archer - Can I get some clarification? Is the applicant able to re-file?

771

772 Mr. Emerson - The applicant, I believe, would be able to re-file in 12
773 months. I would have to visit the rules and regulations to make certain that I'm clear on
774 that.

775

776 Mr. Archer - All right.

777

778 Dr. Rainer - What further would have to be presented in order to get this
779 through today?

780

781 Mr. Archer - A different plan, I would assume.

782

783 Mr. Emerson - I would think a different plan, possibly something that would
784 be different. I'm not sure at this point in time. We could sit down and talk about that
785 later.

786

787 Mr. Glover - Madam Chairman, I would consider withdrawing the denial if
788 there was a deferral to further clarify the fact that it exceeds the 42 inches. I'm not
789 aware that the Code can be altered by the Planning Commission without the Board of
790 Supervisors changing the Code. That's why I voted to deny. If you'd like to withdraw
791 your denial and ask for a deferral to clarify that, I'd be more than happy to do that.

792

793 Mrs. Jones - I need to pose this to the applicant.

794

795 Mr. Vanarsdall - I would like to see it withdrawn.

796 Mrs. Jones - You mean to be deferred, not withdrawn.
797
798 Mr. Vanarsdall - Right.
799
800 Mrs. Jones - I would like to propose a solution here for our current
801 situation. If the applicant is willing to defer this case for 30 days to the February
802 meeting, we can clarify some of the points of the alternative fence height and discuss
803 further between you and staff the aesthetic and functional parts of the plan, and then
804 hear this again in February. Would you be willing to do that?
805
806 Dr. Rainer - Yes.
807
808 Mr. Glover - Madam Chairman, I withdraw my denial at this time, if you're
809 willing to withdraw yours.
810
811 Mrs. Jones - Yes. I would like to entertain at this moment a motion to that
812 effect.
813
814 Mr. Archer - Okay.
815
816 Dr. Rainer - I would like to add that—
817
818 Mrs. Jones - Dr. Rainer, could you come on down to the microphone? I'm
819 sorry to make you keep coming and going in that aisle.
820
821 Dr. Rainer - I would like to add that this appears to be, perhaps, a petty
822 issue to all concerned here. For Mrs. Rainer and I, who have been living in that house
823 for 42 years in happiness except for the problems we have with a neighbor, this is not a
824 petty issue. It means whether or not we move from Henrico County, we leave the
825 County. We cannot accept the conditions we have with respect to the neighbor. I've filed
826 information with other Henrico County agencies concerning the relationship with the
827 neighbor. It is not something we can long endure as it's getting worse. We need that
828 fence at that height. We have essentially put up insulation with Mrs. Marks. Without that
829 insulation, we are gone.
830
831 Mrs. Jones - I appreciate your comments and I'm sure that all of the
832 Commissioners that are here will agree with me that we do not take any case lightly and
833 we certainly do not take this case lightly. We give it our thoughtful consideration with all
834 of the elements of the Henrico County standards, guidelines, and codes as well.
835
836 Dr. Rainer - I'd like to add one other fact here. That brick wall you see
837 was installed last year. For our 42 years of living there, we did not have a brick wall; we
838 didn't need it. As of recently, Mrs. Marks decided she wanted to fill in a drainage swale
839 that prevented flooding of our property. It prevented that flooding for 42 years. She
840 wanted to fill it in. She didn't want to have it exist. So, I had to invest over \$10,000 to
841 put that brick wall in, which I didn't want to do, but we had to do it to prevent flooding of

842 the house. In addition, as you know, I'm requesting your permission for the extra height
843 of the fence, which would further insulate us from Mrs. Marks.

844
845 Mrs. Jones - I'm sure in the next 30 days this can be thoroughly
846 discussed and we can hopefully get some clarification to some of the issues that were
847 raised today. I appreciate your agreeing to a deferral and this case will be heard in
848 February. In the meantime—

849
850 Mr. Vanarsdall - February the 27th.

851
852 Mrs. Jones - Yes. In the meantime, you, and staff, and the Commissioner
853 involved can work through some of the points that were raised today. Okay?

854
855 Mr. Archer - I think I need to make a motion.

856
857 Mrs. Jones - Yes you do.

858
859 Dr. Rainer - Thank you very much.

860
861 Mrs. Jones - Thank you.

862
863 Mr. Archer - Due to the withdrawal of the two denials, the motion will be
864 amended to defer this case until February 27th at the applicant's request.

865
866 Mr. Vanarsdall - Second.

867
868 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
869 favor say aye. All opposed say no. The ayes have it; the motion passes.

870
871 Mr. Vanarsdall - I think we need to change that, Mr. Archer, to the
872 Commissioner's request.

873
874 Mr. Archer - I'm sorry; I meant to do that.

875
876 Mr. Vanarsdall - I'll be glad to take it.

877
878 Mr. Archer - No, I'll do it. I'll amend the motion to read at the request of
879 the Commission. Thank you, Mr. Vanarsdall. I meant to say it that way.

880
881 At the request of the Commission, the Planning Commission deferred TC-277, Rainer
882 Residence, to its February 27, 2008 meeting.

883

884 **SUBDIVISION**

885

SUB-1-08
Parham Estates
(January 2008 Plan)

E. D. Lewis & Associates, P.C. for Betty T. Bales, Harry Snipes and Carter Snipes: The 0.27-acre site proposed for a subdivision of 1 single-family home is located at the intersection of Minna Drive and Starwood Drive and adjacent to I-64 on parcels 755-752-4750 and 3881. The zoning is R-3, One-Family Residence District. County water and sewer. **(Three Chopt) 1 Lot**

886

887 Mrs. Jones - Is there any opposition to SUB-1-08, Parham Estates
888 (January 2008 Plan)? There is no opposition. Mr. Ward.

889

890 Mr. Ward - There is a request to waive this additional 35 foot rear
891 setback along Lot 13 bordering I-64. This exception request for the additional lot is a
892 continuation of a previous approval of similar lots bordering I-64. The applicant has
893 agreed to install a 6' vinyl privacy fence and 15-foot planting strip easement along lots
894 adjacent to I-64. Should the Commission choose to act on this request, staff
895 recommends conditional approval subject to the annotations on the plans, the standard
896 conditions for subdivisions served by public utilities, as well as conditions 12-13 in the
897 agenda.

898

899 The applicant, Harry Snipes, and engineer, Byran Traynham are here today to discuss
900 any matters, and I will also be happy to answer any questions you may have at the time.

901

902 Mrs. Jones - Mr. Archer, do you have any comments or questions?

903

904 Mr. Archer - No. I would like to make a motion. I move approval of SUB-
905 1-08, Parham Estates (January 2008 Plan) subject to the annotations on the plans and
906 additional conditions Nos. 12 and 13 listed in the agenda.

907

908 Mr. Vanarsdall - Second.

909

910 Mrs. Jones - The motion was made by Mr. Archer and seconded by Mr.
911 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the motion
912 carries.

913

914 Mr. Vanarsdall - Thank you, Mr. Ward.

915

916 The Planning Commission granted conditional approval to SUB-1-08, Parham Estates
917 (January 2008 Plan), subject to the standard conditions attached to these minutes for
918 subdivisions served by public utilities, the annotations on the plans, and the following
919 additional conditions:

920

- 921 12. The detailed plant list and specifications for the landscaping to be provided within
922 the 15-foot-wide planting strip easement along Interstate I-64 shall be submitted to
923 the Department of Planning for review and approval prior to recordation of the plat.
924 13. Any necessary offsite drainage easements must be obtained prior to approval of
925 the construction plan by the Department of Public Works.
926

927 **SUBDIVISION RECONSIDERATION**
928

SUB-46-07 **Kestner-Werner, LLC for John W. Gibbs, Jr.:** The
Long Bridge Estates 22.80-acre site proposed for a subdivision of 17 single-
(September 2007 Plan) family homes is located on Long Bridge Road
Long Bridge Road and approximately 8050 feet southwest of the intersection with
Carter’s Mill Road Carter’s Mill Road on parcel 842-683-7262. The zoning is
A-1, Agricultural District and ASO (Airport Safety Overlay)
District. Individual well and septic tank/drainfield. **(Varina)**
17 Lots

929
930 Mrs. Jones - Is there any opposition to SUB-46-07, Long Bridge Estates
931 (September 2007 Plan)? No opposition.
932

933 Mr. Pambid - Good morning. The developers request that the Planning
934 Commission reconsider its prior approval of SUB-46-07 granted on September 26,
935 2007, which included the requirement for approximately 1,081 feet of sidewalk on Long
936 Bridge Road and approximately 568 feet of sidewalk on Carter’s Mill Road.
937

938 The Department of Public Works Traffic Engineering Division has determined that curb
939 and gutter will not need to be constructed along Long Bridge Road and Carter’s Mill
940 Road. Thus, the requirement for construction of sidewalk along these roads should also
941 be eliminated. In lieu of sidewalks, the developer proposes shoulder and ditch sections
942 for this un-proffered A-1 agriculturally zoned subdivision.
943

944 Staff recommends approval of the reconsideration of this conditional subdivision with all
945 original conditions attached to SUB-46-07 on September 26, 2007, with the exception of
946 Condition #14, which is to be deleted. This condition required sidewalks. This
947 concludes my presentation. I’d be happy to answer any questions that you might have.
948 Adam Warner, for Kestner-Warner is also here to answer any question that you might
949 have.
950

951 Mrs. Jones - Any questions from the Commission? Do we need to hear
952 from the applicant?
953

954 Mr. Vanarsdall - I don’t need to, no.
955

956 Mrs. Jones - All right.
957

958 Mr. Vanarsdall - First of all, the only real issue in this was the sidewalk. I
959 move that SUB-46-07, Long Bridge Estates (September 2007 Plan), be approved with
960 the recommendation by staff, standard conditions—I'm trying to read something here
961 that I didn't understand. Excuse me a minute. Standard conditions of this type. Then on
962 the addendum, we have condition #14, which is deleted.

963
964 Mrs. Jones - And all the conditions previously approved, with this
965 exception. All right.

966
967 Mr. Archer - Second.

968
969 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
970 favor say aye. All opposed say no. The ayes have it; the motion carries.

971
972 The Planning Commission granted conditional approval to SUB-46-07, Long Bridge
973 Estates (September 2007 Plan), subject to the previously approved conditions, with the
974 deletion of condition No. 14.

975
976 14. ~~DELETE A County standard sidewalk shall be constructed along the north side of~~
977 ~~Long Bridge Road and west side of Carters Mill Road.~~

978
979 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

980 *(Deferred from the December 12, 2007 Meeting)*

981
982
983 **POD-77-07** **Engineering Design Associates for Ennis Paint, Inc.:**
984 Ennis Paint Company – Request for approval of a plan of development ~~and special~~
985 4400 Vawter Avenue ~~exception~~ to permit the expansion of an existing paint
(POD-83-00 Expired) manufacturing facility, as required by Chapter 24, Sections
24-106 and **24-70(d)** ~~24-2 and 24-71.(b)~~ of the Henrico
County Code, to improve and enlarge an outdoor storage
area with related site improvements for an existing paint
manufacturing facility. The 9.7-acre site is located
approximately 1450 feet north of E. Laburnum Avenue on
the west line of Vawter Avenue at 4400 Vawter Avenue on
parcel 799-739-2764. The zoning is M-2, General
Industrial District and ASO, Airport Safety Overlay District.
County water and sewer. **(Fairfield)**

982
983 Mrs. Jones - Is there anyone in opposition to POD-77-07, Ennis Paint
984 Company (POD-83-00 Expired)? There is no opposition.

985
986 Mr. Pambid - This POD request is for the improvement and enlargement
987 of an existing outdoor storage area with related site improvements for an existing latex
988 road paint manufacturing facility. A little bit of background. On December 17, 1985, the
989 Planning Commission approved POD-172-85 for a 14,760-square-foot addition and a
990 change in use from a farmer supply store to a paint manufacturing facility. A plan of

991 development, POD-83-00, was approved on September 23, 2000, by the Planning
992 Commission. This was a revision to add parking and a storage area. Work progressed
993 on site while no final construction plan was submitted after Commission approval. POD-
994 83-00 expired on September 22, 2002.

995
996 Currently, the expanded storage area will be surfaced with compacted gravel and
997 physically delineated by 6 inch by 6 inch timbers. A proposed BMP, which is internal to
998 the site, will be protected by standard Henrico County guardrail. Furthermore, the
999 expanded storage area will be screened from Vawter Avenue with evergreen screening.

1000
1001 I should add that condition #34 should be deleted, as it requires curb and gutter and
1002 treated asphalt. No building additions are proposed with this POD.

1003
1004 Staff recommends approval of POD-77-07, subject to the annotations on the staff plans
1005 and conditions 24 through 36 in the agenda, as well as the addendum items. This
1006 concludes my presentation. I can answer any questions that you might have. I also
1007 have Randy Hooker available with Engineering Design Associates. He's also available
1008 to answer any questions that you might have.

1009
1010 Mrs. Jones - Are there any questions for Lee from the Commission?

1011
1012 Mr. Archer - I don't have any at this time. Mr. Pambid, you worked right
1013 hard on this one, didn't you?

1014
1015 Mr. Pambid - Yes sir.

1016
1017 Mrs. Jones - Do we need to hear from the applicant?

1018
1019 Mr. Archer - I don't believe so at this point, Madam Chairman.

1020
1021 Mrs. Jones - This has been a long time coming, hasn't it?

1022
1023 Mr. Archer - It has been. It has a history that goes back to 1985.

1024
1025 Mrs. Jones - All right, are we ready?

1026
1027 Mr. Archer - I believe so.

1028
1029 Mrs. Jones - Okay. Mr. Archer?

1030
1031 Mr. Archer - Let me make sure I have my conditions straight. Okay. With
1032 that, Madam Chairman, I will move for approval of POD-77-07, Ennis Paint Company
1033 (POD-83-00 Expired), subject to the standard conditions for developments of this type
1034 and the following additional conditions. I will include those that are on the addendum.
1035 Number 9 is deleted on the addendum; conditions 24 through 33; item 34 has been
1036 removed; condition 35 has been revised to read, "The final construction plans shall

1037 include the landscaping plan for review and approval by the Director of Planning. The
1038 outdoor storage area shall be screened from public view with evergreen plant material
1039 or a screen fence, or a combination of both;” and condition #36 has been added.
1040

1041 Mr. Vanarsdall - Second.
1042

1043 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
1044 favor say aye. All opposed say no. The ayes have it; the motion carries.
1045

1046 The Planning Commission approved POD-77-07, Ennis Paint Company (POD-83-00
1047 Expired), subject to the annotations on the plans, the standard conditions attached to
1048 these minutes for developments of this type, and the following additional conditions.
1049

1050 9. ~~DELETE - AMENDED~~ -- ~~A detailed landscaping plan shall be submitted to the~~
1051 ~~Department of Planning for review and Planning Commission approval prior to~~
1052 ~~the issuance of any occupancy permits.~~

1053 24. The right-of-way for widening of Vawter Avenue as shown on approved plans
1054 shall be dedicated to the County prior to any occupancy permits being issued.
1055 The right-of-way dedication plat and any other required information shall be
1056 submitted to the County Real Property Agent at least sixty (60) days prior to
1057 requesting occupancy permits.

1058 25. The easements for drainage and utilities as shown on approved plans shall be
1059 granted to the County in a form acceptable to the County Attorney prior to any
1060 occupancy permits being issued. The easement plats and any other required
1061 information shall be submitted to the County Real Property Agent at least sixty
1062 (60) days prior to requesting occupancy permits.

1063 26. The limits and elevations of the 100-year frequency flood shall be conspicuously
1064 noted on the plan “Limits of 100 Year Floodplain.” In addition, the delineated
1065 100-year floodplain must be labeled “Variable Width Drainage and Utility
1066 Easement.” The easement shall be granted to the County prior to the issuance of
1067 any occupancy permits.

1068 27. The developer shall provide fire hydrants as required by the Department of Public
1069 Utilities and Division of Fire.

1070 28. Any necessary off-site drainage and/or water and sewer easements must be
1071 obtained in a form acceptable to the County Attorney prior to final approval of the
1072 construction plans.

1073 29. Deviations from County standards for pavement, curb or curb and gutter design
1074 shall be approved by the County Engineer prior to final approval of the
1075 construction plans by the Department of Public Works.

1076 30. Insurance Services Office (ISO) calculations must be included with the plans and
1077 contracts and must be approved by the Department of Public Utilities prior to the
1078 issuance of a building permit.

1079 31. Approval of the construction plans by the Department of Public Works does not
1080 establish the curb and gutter elevations along the Henrico County maintained
1081 right-of-way. The elevations will be set by Henrico County.

- 1082 32. The owners shall not begin clearing of the site until the following conditions have
1083 been met:
1084
- 1085 (a) The site engineer shall conspicuously illustrate on the plan of development
1086 or subdivision construction plan and the Erosion and Sediment Control
1087 Plan, the limits of the areas to be cleared and the methods of protecting
1088 the required buffer areas. The location of utility lines, drainage structures
1089 and easements shall be shown.
 - 1090 (b) After the Erosion and Sediment Control Plan has been approved but prior
1091 to any clearing or grading operations of the site, the owner shall have the
1092 limits of clearing delineated with approved methods such as flagging, silt
1093 fencing or temporary fencing.
 - 1094 (c) The site engineer shall certify in writing to the owner that the limits of
1095 clearing have been staked in accordance with the approved plans. A copy
1096 of this letter shall be sent to the Department of Planning and the
1097 Department of Public Works.
 - 1098 (d) The owner shall be responsible for the protection of the buffer areas and
1099 for replanting and/or supplemental planting and other necessary
1100 improvements to the buffer as may be appropriate or required to correct
1101 problems. The details shall be included on the landscape plans for
1102 approval.
- 1103 33 Except for junction boxes, meters, and existing overhead utility lines, and for
1104 technical or environmental reasons, all utility lines shall be underground.
- 1105 34. The outdoor storage area shall have a treated surface that meets Department of
1106 Public works approval. Standard Henrico County curb and gutter for the
1107 expanded storage areas shall be provided.
- 1108 35. ~~REVISED - A landscaping plan will be provided for staff review and Planning
1109 Commission approval. The outdoor storage area shall be screened from public
1110 view with evergreen plant material and a screen fence, or a combination of both.
1111 The landscape plan shall be submitted by **Friday, February 1, 2008**, unless
1112 otherwise approved by the Director of Planning.
1113 **The final construction plans shall include the landscaping plan for review
1114 and approval by the Director of Planning. The outdoor storage area shall be
1115 screened from public view with evergreen plant material or a screen fence,
1116 or a combination of both.**
1117 **A revised construction plan shall show removal of the encroachments in
1118 the RPA, and the applicant shall provide a schedule for the restoration of
1119 the RPA for Public Works review and approval prior to approval of the final
1120 construction plans.**~~
- 1121 36. **ADDED** – Final construction plans shall be submitted for review no later than 10
1122 business days following the Planning Commission’s approval.
1123

1124 **PLAN OF DEVELOPMENT (Deferred from the December 12, 2007 Meeting)**

1125

POD-79-07

Arco Iris Latino Mart –
6111 & 6115 Staples Mill
Road (State Route 33)

Barthol Design Associates for Armando Benitez and Kings Construction: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story building with a 5,000 square foot restaurant on the first floor and 5,000 square feet of office on the second floor. The 1.72-acre site is located on the east line of Staples Mill Road (State Route 33) approximately 200 feet south of Penick Road on parcels 773-747-8814 and 773-747-8402. The zoning is B-1, Business District. County water and sewer. **(Brookland)**

1126

1127 Ms. Goggin -

1128 The plan in your packet addresses staff's comments. The
1129 applicant has provided a right turn lane, as required by VDOT. He has also provided
1130 dedicated turnaround spaces per Public Works Traffic Division, relocated the dumpster
1131 from the end of the entrance drive, and provided additional internal green space in the
1132 parking lot per Planning's request. Staff is recommending an additional condition, which
1133 is located on page 4 of your handout addendum. Condition 42 states that there will be
1134 no dwelling uses permitted on the site.

1135 Since the preparation of this agenda, staff has not received the revised architectural
1136 renderings as requested, but has met with the applicant, who has agreed to defer the
1137 architecturals to the February 27, 2008 Planning Commission hearing. This deferral will
1138 give the applicant time to address planning and police concerns with the visibility into
1139 the building in an effort to prevent crime through architectural design. These changes
1140 will include additional windows along the Staples Mill Road frontage, as well as opening
1141 up the proposed courtyard for more visibility from the right-of-way. The Commission will
1142 need to make two separate motions to take action on the site plan today and to defer
1143 the architecturals until February 27. Should the Commission act on this request, staff
1144 recommends the standard conditions for developments of this type, annotations on the
1145 plans, conditions 9 and 11 amended, additional conditions 24 through 41 in the agenda,
1146 and additional condition 42 in the addendum. The applicant's representative, Celia
1147 Serrano, is here to answer any questions you may have of her, and the engineer, Brian
1148 Mustain, is here should you have any questions of him, and I am here to answer any
1149 questions the Commission may have of me

1150

1151 Mrs. Jones -

1152 Ms. Goggin, thank you. I hope you all will bear with me at
1153 my first meeting that I'm chairing, but I did neglect to ask if there was opposition to
1154 POD-79-07, Arco Iris Latino Mart. There is no opposition. Thank you. Questions for
1155 Ms. Goggin?

1156

1157 Mr. Vanarsdall -

I don't have any.

1158 Mrs. Jones - I do want to ask a quick question just to confirm that the
1159 discussion all along, really, has been about the architectural, the visibility, the concerns
1160 that Ms. Vann has pointed out with the layout. Staff has never really had a problem,
1161 that I can remember, with the actual use. It's just the architectural and the way in
1162 which in which it fits the site, right?
1163

1164 Ms. Goggin - Yes ma'am. As you can tell from here, there is one arch.
1165 This is what the opening is from Staples Mill Road, and it's over 90 feet away. That's
1166 the only opening for visibility. We are concerned that if something were to happen inside
1167 the building, nobody driving by would be able to see it and alert emergency personnel if
1168 necessary.
1169

1170 Mrs. Jones - Your discussions with the applicant have indicated that you
1171 feel that the architectural can be modified to address police concerns and safety
1172 concerns, right?
1173

1174 Ms. Goggin - If you look at the first floor plans, this is all a courtyard and
1175 this is the opening. They are going to work on opening up these walls to make this
1176 inside much more visible for safety purposes.
1177

1178 Mrs. Jones - The site plan works, it's just that the design needs—Okay.
1179

1180 Ms. Goggin - Yes ma'am.
1181

1182 Mrs. Jones - Thank you. Would someone like to hear from the applicant?
1183 Okay.
1184

1185 Mr. Vanarsdall - We need a motion.
1186

1187 Mrs. Jones - We'll need two separate motions. Would someone like to
1188 make one?
1189

1190 Mr. Vanarsdall - I want to go back to your questions. To my knowledge,
1191 there's never been any problem with the use. It's on a B-1 and that is the use. The only
1192 thing was what she explained regarding the architecture.
1193

1194 Mrs. Jones - Okay.
1195

1196 Mr. Vanarsdall - We have had several meetings; we had one yesterday
1197 including Mr. Glover. Had a very nice meeting. We want to go forward with this. I'll
1198 take the deferral first. I defer the architectural plans to February 27, 2008.
1199

1200 Mr. Archer - Second.
1201

1202 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
1203 favor say aye. All opposed say no. The ayes have it; the motion carries.

1204 At the request of the applicant, the Planning Commission deferred the architectural
1205 plans only for POD-79-07, Arco Iris Latino Mart, the to its February 27, 2008 meeting.
1206

1207 Mr. Vanarsdall - Now, the POD only. I recommended POD-79-07, Arco Iris
1208 Latino Mart, be approved with the annotations on the plans, standard conditions for
1209 developments of this type, the following additional conditions #9 amended, #11
1210 amended, 24 through 41, and 42 on the addendum.
1211

1212 Mr. Archer - Second.
1213

1214 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
1215 favor say aye. All opposed say no. The ayes have it; the motion carries.
1216

1217 The Planning Commission approved POD-79-07, Arco Iris Latino Mart, subject to the
1218 annotations on the plans, the standard conditions attached to these minutes for
1219 developments of this type, and the following additional conditions:
1220

- 1221 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
1222 Planning for review and Planning Commission approval prior to the issuance of any
1223 occupancy permits.
- 1224 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
1225 of the site lighting equipment, a plan including depictions of light spread and
1226 intensity diagrams, and fixture specifications and mounting height details shall be
1227 submitted for Department of Planning review and Planning Commission approval.
- 1228 24. The easements for drainage and utilities as shown on approved plans shall be
1229 granted to the County in a form acceptable to the County Attorney prior to any
1230 occupancy permits being issued. The easement plats and any other required
1231 information shall be submitted to the County Real Property Agent at least sixty
1232 (60) days prior to requesting occupancy permits.
- 1233 25. The entrances and drainage facilities on Staples Mill Road (State Route 33) shall
1234 be approved by the Virginia Department of Transportation and the County.
- 1235 26. A notice of completion form, certifying that the requirements of the Virginia
1236 Department of Transportation entrances permit have been completed, shall be
1237 submitted to the Department of Planning prior to any occupancy permits being
1238 issued.
- 1239 27. The developer shall provide fire hydrants as required by the Department of Public
1240 Utilities and Division of Fire.
- 1241 28. A concrete sidewalk meeting County standards shall be provided along the north
1242 side of Staples Mill Road (State Route 33).
- 1243 29. All repair work shall be conducted entirely within the enclosed building.
- 1244 30. Outside storage shall not be permitted.
- 1245 31. The developer shall install an adequate restaurant ventilating and exhaust
1246 system to minimize smoke, odors, and grease vapors. The plans and
1247 specifications shall be included with the building permit application for review and
1248 approval. If, in the opinion of the County, the type system provided is not

- 1249 effective, the Commission retains the rights to review and direct the type of
 1250 system to be used.
- 1251 32. This business shall not remain in operation after midnight and no exterior signs
 1252 shall remain lighted after 12:00 midnight.
- 1253 33. Any necessary off-site drainage and/or water and sewer easements must be
 1254 obtained in a form acceptable to the County Attorney prior to final approval of the
 1255 construction plans.
- 1256 34. Deviations from County standards for pavement, curb or curb and gutter design
 1257 shall be approved by the County Engineer prior to final approval of the
 1258 construction plans by the Department of Public Works.
- 1259 35. Insurance Services Office (ISO) calculations must be included with the plans and
 1260 contracts and must be approved by the Department of Public Utilities prior to the
 1261 issuance of a building permit.
- 1262 36. Approval of the construction plans by the Department of Public Works does not
 1263 establish the curb and gutter elevations along the Virginia Department of
 1264 Transportation maintained right-of-way. The elevations will be set by the
 1265 contractor and approved by the Virginia Department of Transportation.
- 1266 37. Evidence of a joint ingress/egress and maintenance agreement must be
 1267 submitted to the Department of Planning and approved prior to issuance of a
 1268 certificate of occupancy for this development.
- 1269 38. The location of all existing and proposed utility and mechanical equipment
 1270 (including HVAC units, electric meters, junction and accessory boxes,
 1271 transformers, and generators) shall be identified on the landscape plans. All
 1272 equipment shall be screened by such measures as determined appropriate by
 1273 the Director of Planning or the Planning Commission at the time of plan approval.
- 1274 39. Except for junction boxes, meters, and existing overhead utility lines, and for
 1275 technical or environmental reasons, all utility lines shall be underground.
- 1276 40. No vehicles shall be sold on site.
- 1277 41. No portable food service vehicles or trailers shall be operated on site.
- 1278 42. **ADDED** – Dwelling uses shall not be permitted on site.

1279
 1280 **PLAN OF DEVELOPMENT (Deferred from the December 12, 2007 Meeting)**
 1281

POD-86-07
 Best Western – 8607
 Telegraph and Brook
 Roads

Timmons Group for Bhupendra B. Patel: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a three-story, 11,860 square foot, 63-room hotel. The 1.89-acre site is located on the east line of Telegraph Road, approximately 80 feet east of the intersection of Brook Road (U.S. Route 1) and Telegraph Road on parcel 784-758-4424. The zoning is M-1, Light Industrial District and B-3, Business District. County water and sewer. **(Fairfield)**

1282
 1283 Mrs. Jones - Is there any opposition to POD-86-07, Best Western? No
 1284 opposition.

1285
1286 Mr. Ward - The applicant has provided additional information to the
1287 Department of Public Works that addresses the drainage concerns raised at the
1288 December 12, 2007 Planning Commission meeting by the adjacent property owners.
1289 The adjacent property owners' representative Andy Conclin has notified staff that the
1290 issues have been worked out to their satisfaction. Staff can recommend approval.
1291 Should the Commission act on the request, staff recommends the standard conditions
1292 for developments of this type, annotations on the plans, and conditions 24 through 32
1293 on the agenda. The applicant, Mr. Patel, and the engineer, Brian Crutchfield, are here
1294 today to discuss any matters. I would also be happy to answer any questions.
1295
1296 Mrs. Jones - It's always nice to have a problem worked out.
1297
1298 Mr. Ward - Yes.
1299
1300 Mrs. Jones - Thank you, Matt. Are there any questions for Matt?
1301
1302 Mr. Archer - I don't have any questions, Madam Chairman, but I'd like to
1303 make a few comments. As you might recall, at the December meeting, the reason for
1304 the deferral was because of drainage issues that the neighbor didn't have addressed
1305 before. Quite a bit of discussion ensued after that. That was the biggest thing that we
1306 had to overcome, to make sure that the neighbors were satisfied. Mr. Ward, I
1307 understand all that's been taken care of?
1308
1309 Mr. Ward - Correct.
1310
1311 Mr. Archer - All right. Does anyone else have any questions for Mr.
1312 Ward?
1313
1314 Mrs. Jones - Do we need to hear from the applicant?
1315
1316 Mr. Archer - I don't believe so at this point, Ma'am.
1317
1318 Mrs. Jones - Okay.
1319
1320 Mr. Archer - With that, I will move for approval of POD-86-07, Best
1321 Western, subject to the standard conditions for developments of this type, and
1322 conditions 24 through 32.
1323
1324 Mr. Vanarsdall - Second.
1325
1326 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
1327 favor say aye. All opposed say no. The ayes have it; the motion carries.
1328

1329 The Planning Commission approved POD-86-07, Best Western, subject to the
1330 annotations on the plans, the standard conditions attached to these minutes for
1331 developments of this type, and the following additional conditions:
1332

- 1333 24. The right-of-way for widening of Telegraph Road as shown on approved plans
1334 shall be dedicated to the County prior to any occupancy permits being issued.
1335 The right-of-way dedication plat and any other required information shall be
1336 submitted to the County Real Property Agent at least sixty (60) days prior to
1337 requesting occupancy permits.
- 1338 25. The easements for drainage and utilities as shown on approved plans shall be
1339 granted to the County in a form acceptable to the County Attorney prior to any
1340 occupancy permits being issued. The easement plats and any other required
1341 information shall be submitted to the County Real Property Agent at least sixty
1342 (60) days prior to requesting occupancy permits.
- 1343 26. The developer shall provide fire hydrants as required by the Department of Public
1344 Utilities and Division of Fire.
- 1345 27. A concrete sidewalk meeting County standards shall be provided along the east
1346 side Telegraph Road.
- 1347 28. Outside storage shall not be permitted.
- 1348 29. Any necessary off-site drainage and/or water and sewer easements must be
1349 obtained in a form acceptable to the County Attorney prior to final approval of the
1350 construction plans.
- 1351 30. Deviations from County standards for pavement, curb or curb and gutter design
1352 shall be approved by the County Engineer prior to final approval of the
1353 construction plans by the Department of Public Works.
- 1354 31. The location of all existing and proposed utility and mechanical equipment
1355 (including HVAC units, electric meters, junction and accessory boxes,
1356 transformers, and generators) shall be identified on the landscape plans. All
1357 equipment shall be screened by such measures as determined appropriate by
1358 the Director of Planning or the Planning Commission at the time of plan approval.
- 1359 32. Approval of the construction plans by the Department of Public Works does not
1360 establish the curb and gutter elevations along the Henrico County maintained
1361 right-of-way. The elevations will be set by Henrico County.
1362

1363 **PLAN OF DEVELOPMENT**

1364

POD-2-08
Cracker Barrel @ The
Shops at White Oak
Village

Design & Engineering and Cracker Barrel Old Country Store, Inc. for Laburnum Investments, LLC and Forest City Commercial Group: 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, 10,101 square foot restaurant and gift shop in The Shops at White Oak Village Shopping Center. The 2.21-acre site is located on the east line of Laburnum Avenue, approximately 1,800 feet north of Audubon Drive on part of parcel 815-718-5710. The zoning is B-3C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

1365

1366 Mrs. Jones - Is there anyone in opposition to POD-2-08, Cracker Barrel &
1367 The Shops at White Oak Village? There is no opposition.

1368

1369 Ms. Goggin - At the preparation of this agenda, staff requested that the
1370 applicant consider alternative locations for the proposed dumpsters. They are shown
1371 right here. The applicant did look at different alternatives and has determined that this is
1372 the best location for a number of different reasons. It's the best for adequate truck
1373 maneuvering, it's close enough to the service entrance for the safety of the employees,
1374 and it will not interfere with customer traffic pattern. For example, if they move it over
1375 here, the site's kind of narrow versus being wider, so it works well for everybody. The
1376 applicant has agreed to provide additional landscaping along Laburnum Avenue to help
1377 screen it from traffic on Laburnum Avenue. Hopefully, the traffic will be moving and not
1378 looking at a dumpster screen. Kevin Kerbo, Cracker Barrel's representative, has also
1379 provided color elevations for the Planning Commission's reference. They have received
1380 architectural approval from Forest City. Staff would like to thank both parties, Forest
1381 City and Cracker Barrel, for working with staff on this project and responding to us
1382 whenever we've asked a question. Mr. Kerbo is here to answer any questions you may
1383 have of him and I am here to answer questions the Commission may have. With this,
1384 staff can recommend approval of the plan with staff's annotations and conditions 24
1385 through 39 in the agenda.

1386

1387 Mr. Vanarsdall - I have a question. Ms. Goggin. Is this the one that's going to
1388 have a 14-foot high dumpster?

1389

1390 Ms. Goggin - Not necessarily that—

1391

1392 Mr. Vanarsdall - My understanding is that the building will be 14 feet high with
1393 a roof on it.

1394

1395 Ms. Goggin - That is an issue that is currently being worked out between
1396 Public Utilities and Planning.

1397 Mr. Vanarsdall - That's what I was going to ask you, if someone else has to
1398 approve that part.
1399
1400 Ms. Goggin - It's an internal staff issue. The applicant is willing to do
1401 whatever the County determines is necessary.
1402
1403 Mr. Vanarsdall - I think this might be a first where we have one that high.
1404
1405 Ms. Goggin - Planning would prefer eight feet tall.
1406
1407 Mr. Vanarsdall - Thank you.
1408
1409 Mrs. Jones - Any more questions for Ms. Goggin? Shall we hear the
1410 applicant address the issue?
1411
1412 Mr. Vanarsdall - We could, yes. Is there someone here representing Cracker
1413 Barrel? I wanted to ask you a question anyway, so come on down.
1414
1415 Mrs. Jones - If you wouldn't mind stating your name for the record,
1416 please.
1417
1418 Mr. Kerbo - My name is Kevin Kerbo. I'm the senior site development
1419 manager for Cracker Barrel in Lebanon, Tennessee.
1420
1421 Mr. Vanarsdall - Is that true that you're going to have the 14-foot high
1422 dumpster?
1423
1424 Mr. Kerbo - Yes sir, that's a true statement, if that's what the two County
1425 departments determine will be required to get a building permit and a certificate of
1426 occupancy. We prefer to do just the standard eight-foot tall walls. Everything you do
1427 extra costs money and so forth. We did something very similar to this over at Gaskins
1428 Road. I believe Mr. Wilhite was the planner on that deal. So, we have set a precedent of
1429 doing that in Henrico County. Again, we don't care either way. It's just whatever you
1430 folks decide.
1431
1432 Mr. Vanarsdall - Okay. Thank you for that.
1433
1434 Mr. Kerbo - Yes sir.
1435
1436 Mr. Vanarsdall - The other question I wanted to ask you is I noticed you
1437 changed the restrooms from the right to the left. Mr. Jernigan asked me to ask you
1438 about that. I told him I already ran into that with the wife and I, and the rest of family
1439 traveling I think in South Carolina. Everybody went to the right and they had changed it
1440 to the left. So, I don't think it's a big issue; he was just laughing about it.
1441

1442 Mr. Kerbo - For years, the men's were on the left. I did a little research
1443 on that and around '98 or '99 when we made some modifications to the building and
1444 increased the seating, it just worked better to flip them. That's my answer right there for
1445 the modification to the building.

1446
1447 Mr. Vanarsdall - Yes, thank you. I don't have any more questions.

1448
1449 Mrs. Jones - Thank you, Mr. Kerbo.

1450
1451 Mr. Vanarsdall - With that, I move POD-2-08, Cracker Barrel & The Shops at
1452 White Oak Village, be approved with annotations on the plan, standard conditions for
1453 developments of this type, and the following conditions 24 through 39.

1454
1455 Mr. Archer - Second.

1456
1457 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
1458 favor say aye. All opposed say no. The ayes have it; the motion carries.

1459
1460 The Planning Commission approved POD-2-08, Cracker Barrel & The Shops at White
1461 Oak Village, subject to the annotations on the plans, the standard conditions attached to
1462 these minutes for developments of this type, and the following additional conditions:

- 1463
- 1464 24. The easements for drainage and utilities as shown on approved plans shall be
1465 granted to the County in a form acceptable to the County Attorney prior to any
1466 occupancy permits being issued. The easement plats and any other required
1467 information shall be submitted to the County Real Property Agent at least sixty
1468 (60) days prior to requesting occupancy permits.
 - 1469 25. The developer shall provide fire hydrants as required by the Department of Public
1470 Utilities and Division of Fire.
 - 1471 26. Outside storage shall not be permitted.
 - 1472 27. The proffers approved as a part of zoning case C-29C-06 shall be incorporated in
1473 this approval.
 - 1474 28. The developer shall install an adequate restaurant ventilating and exhaust
1475 system to minimize smoke, odors, and grease vapors. The plans and
1476 specifications shall be included with the building permit application for review and
1477 approval. If, in the opinion of the County, the type system provided is not
1478 effective, the Commission retains the rights to review and direct the type of
1479 system to be used.
 - 1480 29. Any necessary off-site drainage and/or water and sewer easements must be
1481 obtained in a form acceptable to the County Attorney prior to final approval of the
1482 construction plans.
 - 1483 30. Deviations from County standards for pavement, curb or curb and gutter design
1484 shall be approved by the County Engineer prior to final approval of the construction
1485 plans by the Department of Public Works.
 - 1486 31. The loading areas shall be subject to the requirements of Chapter 24, Section
1487 24-97(b) of the Henrico County Code.

- 1488 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the
1489 drainage plans.
1490 33. Insurance Services Office (ISO) calculations must be included with the plans and
1491 contracts and must be approved by the Department of Public Utilities prior to the
1492 issuance of a building permit.
1493 34. Approval of the construction plans by the Department of Public Works does not
1494 establish the curb and gutter elevations along the Henrico County maintained right-
1495 of-way. The elevations will be set by Henrico County.
1496 35. Evidence of a joint ingress/egress and maintenance agreement must be
1497 submitted to the Department of Planning and approved prior to issuance of a
1498 certificate of occupancy for this development.
1499 36. The location of all existing and proposed utility and mechanical equipment
1500 (including HVAC units, electric meters, junction and accessory boxes,
1501 transformers, and generators) shall be identified on the landscape plans. All
1502 equipment shall be screened by such measures as determined appropriate by the
1503 Director of Planning or the Planning Commission at the time of plan approval.
1504 37. Only retail business establishments permitted in a B-3C zone may be located in
1505 this center.
1506 38. The ground area covered by all the buildings shall not exceed in the aggregate 25
1507 percent of the total site area.
1508 39. No merchandise shall be displayed or stored outside of the building(s) or on
1509 sidewalk(s).
1510

1511 **PLAN OF DEVELOPMENT**
1512

POD-5-08
Bojangles @ 4901 Nine
Mile Road

Balzer & Associates, Inc. for Ample Storage Laburnum Avenue, LLC and REDCO Properties, 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, 3,868 square foot restaurant with drive-thru facilities. The 1.4-acre site is located on the southeast corner of Nine Mile Road (State Route 33) and Laburnum Avenue on part of parcel 811-723-1052. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Fairfield)**

1513
1514 Mrs. Jones - Is there any opposition to POD-5-08, Bojangles @ 4901
1515 Nine Mile Road? There is no opposition.
1516

1517 Mr. Garrison - Good morning. Madam Chairman and Planning Commission
1518 members, the applicant is requesting approval of a one-story, approximately 3800-
1519 square-foot restaurant at the intersection of Nine Mile Road and Laburnum Avenue.
1520 The applicant provided color elevations as requested to ensure building materials and
1521 color matched Exhibit A3 from the proffered conditions. Therefore, staff an recommend
1522 approval subject to the standard conditions for developments of this type and the added

1523 conditions in your agenda. Staff and representatives of the applicant are available to
1524 answer any questions that you may have.

1525
1526 Mrs. Jones - Questions for Mr. Garrison?

1527
1528 Mr. Archer - I don't have any. We've been discussing this for quite some
1529 time and he did indicate to me he was going to put up the architectural so we could
1530 see what they were. People in the East End have been requesting a restaurant for a
1531 good while, so hopefully this will satisfy some of those.

1532
1533 Mrs. Jones - That does not look like a standard Bojangles design that I'm
1534 used to. It's different.

1535
1536 Mr. Garrison - Different good?

1537
1538 Mrs. Jones - That's what I thought you might tell me.

1539
1540 Mr. Garrison - The proffers state they need the building to be all brick.
1541 From Exhibit A3, staff felt it matches with the red brick, the tan-colored brick band
1542 around the building.

1543
1544 Mrs. Jones - I think it's attractive.

1545
1546 Mr. Archer - Any other questions? Hearing none, Madam Chairman, I will
1547 move for approval of POD-5-08, Bojangles @ 4901 Nine Mile Road, subject to the
1548 revised architectural plan, the annotations on the plan, the additional conditions 24
1549 through 39.

1550
1551 Mr. Vanarsdall - Second.

1552
1553 Mrs. Jones - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
1554 in favor say aye. All opposed say no. The ayes have it; the motion carries.

1555
1556 The Planning Commission approved POD-5-08, Bojangles @ 4901 Nine Mile Road,
1557 subject to the annotations on the plans, the standard conditions attached to these
1558 minutes for developments of this type, and the following additional conditions:

- 1559
1560 24. The easements for drainage and utilities as shown on approved plans shall be
1561 granted to the County in a form acceptable to the County Attorney prior to any
1562 occupancy permits being issued. The easement plats and any other required
1563 information shall be submitted to the County Real Property Agent at least sixty
1564 (60) days prior to requesting occupancy permits.
- 1565 25. The entrances and drainage facilities on Nine Mile Road (State Route 33) shall
1566 be approved by the Virginia Department of Transportation and the County.
- 1567 26. A notice of completion form, certifying that the requirements of the Virginia
1568 Department of Transportation entrances permit have been completed, shall be

- 1569
1570
1571 27. The developer shall provide fire hydrants as required by the Department of Public
1572 Utilities and Division of Fire.
1573 28. Outside storage shall not be permitted.
1574 29. A concrete sidewalk meeting standards shall be provided along the east side of
1575 Laburnum Avenue and the south side of Nine Mile Road.
1576 30. The proffers approved as a part of zoning case C-64C-04 shall be incorporated in
1577 this approval.
1578 31. The developer shall install an adequate restaurant ventilating and exhaust
1579 system to minimize smoke, odors, and grease vapors. The plans and
1580 specifications shall be included with the building permit application for review and
1581 approval. If, in the opinion of the County, the type system provided is not
1582 effective, the Commission retains the rights to review and direct the type of
1583 system to be used.
1584 32. Any necessary off-site drainage and/or water and sewer easements must be
1585 obtained in a form acceptable to the County Attorney prior to final approval of the
1586 construction plans.
1587 33. Deviations from County standards for pavement, curb or curb and gutter design
1588 shall be approved by the County Engineer prior to final approval of the
1589 construction plans by the Department of Public Works.
1590 34. In the event of any traffic backup which blocks the public right-of-way as a result
1591 of congestion caused by the drive-up delivery facilities, the owner/occupant shall
1592 close the drive-up delivery facilities until a solution can be designed to prevent
1593 traffic backup.
1594 35. Insurance Services Office (ISO) calculations must be included with the plans and
1595 contracts and must be approved by the Department of Public Utilities prior to the
1596 issuance of a building permit.
1597 36. Approval of the construction plans by the Department of Public Works does not
1598 establish the curb and gutter elevations along the Henrico County maintained
1599 right-of-way. The elevations will be set by Henrico County.
1600 37. Approval of the construction plans by the Department of Public Works does not
1601 establish the curb and gutter elevations along the Virginia Department of
1602 Transportation maintained right-of-way. The elevations will be set by the
1603 contractor and approved by the Virginia Department of Transportation.
1604 38. Evidence of a joint ingress/egress and maintenance agreement must be
1605 submitted to the Department of Planning and approved prior to issuance of a
1606 certificate of occupancy for this development.
1607 39. The location of all existing and proposed utility and mechanical equipment
1608 (including HVAC units, electric meters, junction and accessory boxes,
1609 transformers, and generators) shall be identified on the landscape plans. All
1610 equipment shall be screened by such measures as determined appropriate by
1611 the Director of Planning or the Planning Commission at the time of plan approval.
1612

1613 Mr. Emerson - Madam Chairman, that brings you to the next to the last item
1614 on your agenda, the approval of minutes from you December 12, 2007 meeting.

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APPROVAL OF MINUTES: December 12, 2007

Mrs. Jones - Do we have additions or corrections to the minutes of December 12th?

Mr. Archer - I have a correction, Madam Chairman. On page 55, line 2113 reads, "But I sense that there is a bit too much deceived in here today." I must have said "received."

Mrs. Jones - Well, we'll hope you did. All right.

Mr. Archer - I hope I didn't engage in a lot of deception. I'm sure I said "received" not "deceived."

Mrs. Jones - Any other corrections to the minutes? I'll entertain a motion.

Mr. Vanarsdall - I move that the minutes of December 12, 2007, be approved with the correction.

Mr. Archer - Second.

Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

The Planning Commission approved the December 12, 2007 minutes as corrected.

Mrs. Jones - Are there announcements?

Mr. Emerson - No ma'am. I have nothing more for the Commission today, unless there are questions for me.

Mrs. Jones - Well then I will entertain a motion for adjournment.

Mr. Archer - So moved.

Mr. Vanarsdall - Second.

Mrs. Jones - We have a motion by Mr. Archer, seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the motion passes. Meeting is adjourned.

1657 On a motion by Mr. Archer and seconded by Mr. Vanarsdall the Planning Commission
1658 adjourned its January 23, 2008 meeting at 10:15 a.m.

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Bonnie-Leigh Jones, Acting Chairperson

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R. Joseph Emerson, Jr., Acting Secretary