

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary  
3 Spring Roads at 9:00 a.m. July 28, 2004.

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5 Members Present: Mrs. Lisa D. Ware, C.P.C., Vice-Chairperson, Tuckahoe  
6 Mr. Ernest B. Vanarsdall, C.P.C., Brookland  
7 Mr. C. W. Archer, C.P.C., Fairfield  
8 Mr. E. Ray Jernigan, C.P.C., Varina  
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10 Members Absent: Mr. John Marshall, Three Chopt  
11 Mr. James B. Donati, Jr., Board of Supervisors Representative  
12 (Varina)  
13

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

25 **Board of Supervisors Representative abstains on all cases unless otherwise noted.**  
26

27 Mrs. Ware - Welcome to the July 29, 2004 meeting for plans of development. I will  
28 turn the meeting over to Mr. Silber, the Secretary.  
29

30 Mr. Silber - Yes, ma'am. Thank you. Is the microphone on? Can you hear me in the  
31 back of the room? Good morning. We are missing two Planning Commissioners this morning.  
32 Mr. John Marshall is on vacation and will not be here today, and Mr. Donati had another  
33 obligation and will not be here, but we do have a quorum and we do have four members of the  
34 Planning Commission present.  
35

36 With that, first on the Agenda would be to review the deferrals and withdrawals that we have.  
37 Mr. Strauss.  
38

39 Mr. Strauss - Thank you, Mr. Secretary. The staff is aware of four deferrals this  
40 morning. The first one is on Page 2 of the Agenda.  
41

42 **PLAN OF DEVELOPMENT (Deferred from the May 26, 2004, Meeting)**  
43

POD-47-04  
Retail Building & Bank  
Town Center @ Twin Hickory

**Hankins & Anderson for Edens and Avant:** 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, 5,040 square foot retail building and a one-story, 3,594 square foot bank with a drive-thru and associated parking. The 1.61-acre site is located at the southwest intersection of Old Nuckols and Nuckols Road in the Town Center @ Twin Hickory Shopping Center on parcel 745-773-9641. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

44  
45 Mr. Strauss - The applicant requests deferral to the September 22, 2004 meeting, and  
46 this is in the Three Chopt District.

47  
48 Mrs. Ware - Is there any opposition to the deferral of POD-47-04, Retail Building and  
49 Bank Town Center @ Twin Hickory in the Three Chopt District? No opposition.

50  
51 Mr. Vanarsdall - I move that POD-47-04, Retail Building and Bank – Town Center @ Twin  
52 Hickory be deferred to the September 22, 2004 meeting at the applicant’s request.

53  
54 Mr. Jernigan - Second.

55  
56 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in  
57 favor say aye. All opposed say no. The motion passes.

58  
59 At the request of the applicant, the Planning Commission deferred POD-47-04, Retail Building and  
60 Bank - Town Center @ Twin Hickory, to its meeting on September 22, 2004.

61  
62 Mr. Strauss - The next request for deferral is on Page 19 of your Agenda.

63  
64 **PLAN OF DEVELOPMENT**  
65

POD-57-04 Staples Mill Car Wash	<b>Koontz-Bryant for Joseph M. Coleman, Roger Bouchard and Champe Granger:</b> 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, 2,072 square foot car wash. The 0.44-acre site is located along the east line of Staples Mill Road (U.S. Route 33), approximately 75 feet north of Heisler Avenue on parcel 770-753-9193. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. <b>(Brookland)</b>
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66  
67 Mr. Strauss - The applicant requests deferral to August 12, 2004 and that is in the  
68 Brookland District.

69  
70 Mrs. Ware - Is there any opposition to POD-57-04, Staples Mill Car Wash, deferral, in  
71 the Brookland District?

72  
73 Mr. Vanarsdall - I move that POD-57-04, Staples Mill Car Wash, be deferred to August  
74 12, 2004, at the applicant’s request.

75  
76 Mr. Archer - Second.

77  
78 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor  
79 say aye. All opposed say no. The motion passes.

80  
81 At the request of the applicant, the Planning Commission deferred POD-57-04, Staples Mill Car  
82 Wash, to its meeting on August 12, 2004.

83  
84 Mr. Strauss - The next request for deferrals is on Page 23 of your Agenda. That  
85 would be POD-60-04.

86  
87 **PLAN OF DEVELOPMENT**

88

POD-60-04  
Lee Conner Realty Office  
Building-245 East Williamsburg  
Road

**Engineering Design Associates for Lee Conner Realty Associates:** 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, 5,280 square foot office building. The 0.94-acre site is located at 245 E. Williamsburg Road (U.S. Route 60), approximately 500 feet east of the intersection of Williamsburg Road (U.S. Route 60) and Raines Avenue on parcel 828-715-6950. The zoning is B-1, Business District. County water and sewer. **(Varina)**

89

90 Mr. Strauss - The applicant requests deferral until the September 22, 2004 meeting.  
91 That is in the Varina District.

92

93 Mrs. Ware - Is there any opposition to the deferral of POD-60-04, Lee Conner Realty  
94 Office Building in the Varina District? No opposition.

95

96 Mr. Jernigan - Madam Chairman, I move for deferral of POD-60-04, Lee Conner Realty  
97 Office Building, to the September 22, 2004 meeting, by request of the applicant.

98

99 Mr. Vanarsdall - Second.

100

101 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
102 favor say aye. All opposed say no. The motion passes.

103

104 At the request of the applicant, the Planning Commission deferred POD-60-04, Lee Conner Realty  
105 Office Building, to its meeting on September 22, 2004.

106

107 **SUBDIVISION**

108

Woodman Terrace, Section O  
(July 2004 Plan)  
9501 Bonanza Street and  
2106 Hungary Road

**Paul Jalbert for Robert C. Stone, Et.Als and Attack-Walker Construction, LLC:** The 1.75-acre site proposed for a subdivision of 1 single-family home is located at 9501 Bonanza Street/2106 Hungary Road, approximately 958 feet to the southeast intersection of Bonanza Street and Waterbury Drive on parcels 774-759-7846 and 774-759-8071. The zoning is R-3, One-Family Residence District County water and sewer. **(Fairfield) 1 Lot**

109

110 Mr. Strauss - This would be a request by the Commission for a deferral until the next  
111 meeting, which is September 22, 2004.

112

113 Mrs. Ware - Is there any opposition to the deferral of Subdivision Woodman Terrace,  
114 Section 0, in the Brookland District?

115

116 Mr. Archer - It is in Fairfield, Madam Chairman.

117

118 Mr. Vanarsdall - It was in the Brookland District and the census took care of it.

119

120 Mr. Archer - I move deferral of Woodman Terrace to the September 22, 2004  
121 meeting at the request of the Commission.

122

123 Mr. Vanarsdall- Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor  
124 say aye. All opposed say no. The motion passes.

125  
126 The Planning Commission deferred Subdivision Woodman Terrace, Section O, (July 2004 Plan),  
127 9501 Bonanza Street and 2106 Hungary Road, to its meeting on September 22, 2004.

128  
129 Mr. Silber - Mr. Strauss, are there any others?

130  
131 Mr. Strauss - That is all staff is aware of at this time.

132  
133 Mr. Silber - Any deferrals from the Planning Commission? No. Moving on, next on  
134 the Agenda would be the Expedited Items. These are items on the Agenda that staff has  
135 reviewed and the other County agencies have reviewed these plans. There are no outstanding  
136 issues. The applicant is agreeable to the conditions that have been recommended by the staff  
137 and the Planning Commissioner from that district is comfortable with that plan. We place these  
138 on the Expedited Agenda so we can handle these more quickly without staff presentation and  
139 heavy involvement. So, Mr. Strauss, if you could review those on the Expedited Agenda, please.

140  
141 Mr. Strauss - Yes. There are nine requests for Expedited Approval this morning. The  
142 first one is on Page 9.

143  
144 **PLAN OF DEVELOPMENT & MASTER PLAN**

145  
POD-54-04  
Masonic Home of Virginia - Independent Living Units, Phase VI and Master Plan (POD-27-94 Revised)  
**Powers, Inc. and Mozingo and Associates for Masonic Home of Virginia:** Request for approval of a revised plan of development master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 12 independent living units, one-story in height, and a master plan for 43 independent living cottages, 46 apartments, expanded dining hall and wellness center. The 96.5-acre site is located at 4101 Nine Mile Road on parcel 807-721-9026. The zoning is R-5C, General Residence District (Conditional). County water and sewer. **(Varina)**

146  
147 Mr. Strauss - This is a Master Plan and it is in the Varina District, and I call your  
148 attention to Page 3 of the Addendum this morning. There is a revised recommendation on Page  
149 3. The applicant has agreed to provide fire lanes as required by the Division of Fire and to  
150 comply with the 50/10 requirements of the Department of Public Works.

151  
152 Mrs. Ware - Is there any opposition to hearing POD-54-04, Masonic Home of Virginia,  
153 Phase VI, on the Expedited Agenda in the Varina District?

154  
155 Mr. Jernigan - Madam Chairman, I move for approval of POD-54-04, Masonic Home of  
156 Virginia – Independent Living Units, Phase VI and Master Plan, subject to the annotations on the  
157 plans, the standard conditions for developments of this type and the additional conditions Nos.  
158 23 through 31 and staff recommendation on the Addendum.

159  
160 Mr. Vanarsdall - Second.

161  
162 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
163 favor say aye. All opposed say no. The motion passes.

164

165 The Planning Commission approved POD-54-04, Masonic Home of Virginia – Independent Living  
166 Units, Phase VI and Master Plan (POD-27-94 Revised), subject to the staff recommendations on  
167 the Agenda, the standard conditions for developments of this type and the following additional  
168 conditions:

- 169
- 170 23. The unit house numbers shall be visible from the parking areas and drives.
  - 171 24. The names of streets, drives, courts and parking areas shall be approved by the Richmond  
172 Regional Planning District Commission and such names shall be included on the  
173 construction plans prior to their approval. The standard street name signs shall be ordered  
174 from the County and installed prior to any occupancy permit approval.
  - 175 25. The developer shall provide fire hydrants as required by the Department of Public Utilities  
176 and Division of Fire.
  - 177 26. The proffers approved as a part of zoning case C-95C-86 shall be incorporated in this  
178 approval.
  - 179 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
180 a form acceptable to the County Attorney prior to final approval of the construction  
181 plans.
  - 182 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
183 approved by the County Engineer prior to final approval of the construction plans by the  
184 Department of Public Works.
  - 185 29. Insurance Services Office (ISO) calculations must be included with the plans and  
186 contracts and must be approved by the Department of Public Utilities prior to the  
187 issuance of a building permit.
  - 188 30. Approval of the construction plans by the Department of Public Works does not establish  
189 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
190 elevations will be set by Henrico County.
  - 191 31. The conceptual master plan, as submitted with this application, is for planning and  
192 information purposes only. All subsequent detailed plans of development and  
193 construction plans needed to implement this conceptual plan may be administratively  
194 reviewed and approved and shall be subject to all regulations in effect at the time such  
195 subsequent plans are submitted for review/approval.

196

197

198 Mr. Strauss- The next case is on Page 13 of your Agenda, POD-55-04.

199

200 **PLAN OF DEVELOPMENT**

201

POD-55-04  
Max and Erma's @ John Rolfe  
Commons Shopping Center–  
2160 John Rolfe  
Parkway  
(POD-79-01 Revised)

**Koontz-Bryant, P.C. for Cornett Hospitality and The Wilton Companies:** Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 6,497 square foot restaurant and a proposed 588 square foot outdoor dining patio on an out parcel in an existing shopping center. The 1.06-acre site is located on the north line of John Rolfe Parkway, approximately 1,200 feet north of Ridgefield Parkway in the John Rolfe Commons Shopping Center on parcels 737-751-3748, 736-751-6330 and 737-751-0067. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

202

203 Mr. Strauss - If you will turn to Page 4 of your Addendum, there are additional  
204 conditions 40, 41, and 42 regarding hours of service to the public and the hours of service to the  
205 dumpsters, and also for the reduction of exterior light levels after close of business.

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Mrs. Ware- Is there any opposition to hearing POD-55-04, Max and Erma’s, in the Tuckahoe District, on the Expedited Agenda? There is no opposition. So, with that, I will move for approval of POD-55-04, subject to the annotations on the plans, the standard conditions for developments of this type and added conditions Nos. 23 through 39 and 40, 41 and 42 on the Addendum.

Mr. Vanarsdall - Second.

Mrs. Ware - Motion made by Mrs. Ware and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes.

The Planning Commission approved POD-55-04, Max and Erma’s @ John Rolfe Commons Shopping Center – 2160 John Rolfe Parkway (POD-79-01 Revised), subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions:

23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
25. Employees shall be required to use the parking spaces provided at the rear of the building as shown on the approved plans.
26. All repair work shall be conducted entirely within the enclosed building.
27. Outside storage shall not be permitted.
28. The proffers approved as a part of zoning case C-66C-88 shall be incorporated in this approval.
29. The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not effective, the Commission retains the rights to review and direct the type of system to be used.
30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
31. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
32. Insurance Services Office (ISO) calculations must be included with the plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
33. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Department of Planning and approved prior to issuance of a certificate of occupancy for this development.
35. The conceptual master plan, as submitted with this application, is for planning and information purposes only.

- 258 36. The location of all existing and proposed utility and mechanical equipment (including  
259 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
260 shall be identified on the landscape plans. All equipment shall be screened by such  
261 measures as determined appropriate by the Director of Planning or the Planning  
262 Commission at the time of plan approval.
- 263 37. Only retail business establishments permitted in a B-2 zone may be located in this center.
- 264 38. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent  
265 of the total site area.
- 266 39. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).
- 267 40. Service to the public is limited to 6:00 a.m. to 12:00 midnight.
- 268 41. All dumpsters shall be serviced, and all ground maintenance shall occur between the hours  
269 of 7:00 a.m. and 11:00 a.m.
- 270 42. Exterior lighting shall be reduced to security level within one hour of the close of  
271 business.

272

273 Mr. Strauss - The next expedited request is on Page 21 of your Agenda, POD-58-04.

274

275 **PLAN OF DEVELOPMENT**

276

POD-58-04 Long John Silver's 2318 E. Laburnum Avenue (POD-126-84 Revised)	<b>VHB for Jeff Gasper:</b> 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, 2,818 square foot restaurant with a drive through. The 0.817-acre site is located at the northwest corner of the intersection of E. Laburnum Avenue and Harris Avenue on parcel 803-735-2272. The zoning is B-2C, Business District (Conditional). County water and sewer. <b>(Fairfield)</b>
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278 Mr. Strauss - There is also a revised plan in your Addendum, to which I would like to  
279 call your attention. The revised plan addresses the outstanding issues of staff at the time the  
280 Agenda was prepared. There was also a revised recommendation on Page 6 of your Addendum.

281

282 Mrs. Ware - Is there any opposition to hearing POD-58-04, Long John Silver's in the  
283 Fairfield District on the Expedited Agenda? No opposition.

284

285 Mr. Archer - Madam Chairman, I move approval of POD-58-04, Long John Silvers,  
286 subject to the standard conditions for developments of this type and additional conditions Nos.  
287 23 through 33 and the revised plan that is on the Addendum.

288

289 Mr. Vanarsdall - Second.

290

291 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor  
292 say aye. All opposed say no. The motion passes.

293

294 The Planning Commission approved POD-58-04, Long John Silver's, subject to the standard  
295 conditions for developments of this type, the revised plan shown on the Addendum and  
296 additional conditions Nos. 23 through 33 shown below:

- 297
- 298 23. The right-of-way for widening of Laburnum Avenue as shown on approved plans shall be  
299 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
300 dedication plat and any other required information shall be submitted to the County Real  
301 Property Agent at least sixty (60) days prior to requesting occupancy permits.

- 302 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
 303 the County in a form acceptable to the County Attorney prior to any occupancy permits  
 304 being issued. The easement plats and any other required information shall be submitted  
 305 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
 306 permits.
- 307 25. The developer shall provide fire hydrants as required by the Department of Public Utilities  
 308 and Division of Fire.
- 309 26. The proffers approved as a part of zoning case C-53C-83 shall be incorporated in this  
 310 approval.
- 311 27. The developer shall install an adequate restaurant ventilating and exhaust system to  
 312 minimize smoke, odors, and grease vapors. The plans and specifications shall be  
 313 included with the building permit application for review and approval. If, in the opinion  
 314 of the County, the type system provided is not effective, the Commission retains the  
 315 rights to review and direct the type of system to be used.
- 316 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
 317 a form acceptable to the County Attorney prior to final approval of the construction  
 318 plans.
- 319 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 320 approved by the County Engineer prior to final approval of the construction plans by the  
 321 Department of Public Works.
- 322 30. Insurance Services Office (ISO) calculations must be included with the plans and  
 323 contracts and must be approved by the Department of Public Utilities prior to the  
 324 issuance of a building permit.
- 325 31. Approval of the construction plans by the Department of Public Works does not establish  
 326 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
 327 elevations will be set by Henrico County.
- 328 32. In the event of any traffic backup which blocks the public right-of-way as a result of  
 329 congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up  
 330 facilities until a solution can be designed to prevent traffic backup.
- 331 33. The location of all existing and proposed utility and mechanical equipment (including  
 332 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
 333 shall be identified on the landscape plans. All equipment shall be screened by such  
 334 measures as determined appropriate by the Director of Planning or the Planning  
 335 Commission at the time of plan approval.

336 **PLAN OF DEVELOPMENT & MASTER PLAN**

337 POD-62-04  
 338 Kingsridge, Section 1

**Michael E. Doczi & Associates, PLLC for Kingsridge 200, LLC:** 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 160, two-story townhouses for sale. The 25.87-acre site is located at the intersection of E. Richmond and Dabbs House Roads and fronts on Laburnum Avenue on parcels 809-725-8954 and 809-726-1917. The zoning is R-5, General Residence District. County water and sewer (**Varina**)

339  
 340 Mr. Strauss - There is an additional condition No. 37 on Page 6 of your Addendum,  
 341 which requires that each building shall have a minimum of one unit with a brick front and brick  
 342 veneer foundations will be provided on all buildings. There are also requirements for the end  
 343 units to have bay windows.

344  
 345 Mr. Jernigan - Is that in 37, also?

346  
347 Mr. Strauss - Yes, sir.  
348  
349 Mr. Jernigan - OK. I thought we had worked that out before and that we were going to  
350 have them. They show that as an option in the plans, but I think when we met with them they  
351 were going to put those in there.  
352  
353 Mr. Strauss - Just for clarification, we could have the planner answer any additional  
354 questions.  
355  
356 Mr. Jernigan - Let's get that straight. Good morning, Mike.  
357  
358 Mr. Kennedy - They had agreed to it. We just put it in as a condition with an  
359 annotation on the plan, so they had agreed to it. We just made it a condition.  
360  
361 Mr. Jernigan - In the meeting we had, they agreed to put them in at that point.  
362  
363 Mr. Kennedy - Yes, they did.  
364  
365 Mr. Jernigan - OK. Thank you.  
366  
367 Mrs. Ware - Is there any opposition to hearing POD-62-04, Kingsridge, Section 1, in  
368 the Varina District, on the Expedited Agenda? No opposition.  
369  
370 Mr. Jernigan - Madam Chairman, I move for approval of POD-62-04, Kingsridge,  
371 Section 1, subject to the annotations on the plans, the standard conditions for developments of  
372 this type and the following additional conditions, Nos. 23 through 36 and No. 37 on the  
373 Addendum  
374  
375 Mr. Vanarsdall - Second.  
376  
377 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
378 favor say aye. All opposed say no. The motion passes.  
379  
380 The Planning Commission approved POD-62-04, Kingsridge, Section 1, subject to the standard  
381 conditions for developments of this type and the following additional conditions:  
382  
383 23. The right-of-way for widening of Concept Road 140-2 as shown on approved plans shall  
384 be dedicated to the County prior to any occupancy permits being issued. The right-of-  
385 way dedication plat and any other required information shall be submitted to the County  
386 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.  
387 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
388 the County in a form acceptable to the County Attorney prior to any occupancy permits  
389 being issued. The easement plats and any other required information shall be submitted  
390 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
391 permits.  
392 25. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on  
393 the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain  
394 must be labeled "Variable Width Drainage and Utility Easement." The easement shall be  
395 granted to the County prior to the issuance of any occupancy permits.  
396 26. The developer shall provide fire hydrants as required by the Department of Public Utilities  
397 and Division of Fire.

- 398 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
 399 a form acceptable to the County Attorney prior to final approval of the construction  
 400 plans.  
 401 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 402 approved by the County Engineer prior to final approval of the construction plans by the  
 403 Department of Public Works.  
 404 29. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
 405 County standard and specifications. The developer shall post a defect bond for all  
 406 pavement with the Department of Planning - the exact type, amount and implementation  
 407 shall be determined by the Director of Planning, to protect the interest of the members of  
 408 the Homeowners Association. The bond shall become effective as of the date that the  
 409 Homeowners Association assumes responsibility for the common areas.  
 410 30. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
 411 drainage plans.  
 412 31. Insurance Services Office (ISO) calculations must be included with the plans and  
 413 contracts and must be approved by the Department of Public Utilities prior to the  
 414 issuance of a building permit.  
 415 32. Approval of the construction plans by the Department of Public Works does not establish  
 416 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
 417 elevations will be set by Henrico County.  
 418 33. The conceptual master plan, as submitted with this application, is for planning and  
 419 information purposes only. All subsequent detailed plans of development and  
 420 construction plans needed to implement this conceptual plan may be administratively  
 421 reviewed and approved and shall be subject to all regulations in effect at the time such  
 422 subsequent plans are submitted for review/approval.  
 423 34. The location of all existing and proposed utility and mechanical equipment (including  
 424 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
 425 shall be identified on the landscape plans. All equipment shall be screened by such  
 426 measures as determined appropriate by the Director of Planning or the Planning  
 427 Commission at the time of plan approval.  
 428 35. The unit house numbers shall be visible from the parking areas and drives.  
 429 36. The names of streets, drives, courts and parking areas shall be approved by the Richmond  
 430 Regional Planning District Commission and such names shall be included on the  
 431 construction plans prior to their approval. The standard street name signs shall be ordered  
 432 from the County and installed prior to any occupancy permit approval.  
 433 37. Each building shall have a minimum of one unit with a brick front. Brick veneer  
 434 foundations shall be provided for all buildings. Each interior end unit shall have a  
 435 minimum of two double windows, and end units facing streets or drives shall have a bay  
 436 window.

437  
 438 **SUBDIVISION**

439 Dumbarton (July 2004 Plan)

**TIMMONS Group for Dakota Associates, LLC:** The 1.80-acre site proposed for a subdivision of 5 single-family homes is located on the north side of Irisdale Avenue, 300 feet west of the intersection of Impala Avenue and Irisdale Avenue in the Dumbarton Subdivision on part of parcels 776-745-2101 and 776-745-0598. The zoning is R-4, One-Family Residence District. County water and sewer. **(Brookland) 5 Lots**

440  
 441 Mr. Strauss - Staff recommends approval.  
 442

443 Mrs. Ware - Is there any opposition to hearing Subdivision Dumbarton (July 2004  
444 Plan) on the Expedited Agenda? There is no opposition.

445  
446 Mr. Vanarsdall - Madam Chairman, I move that Dumbarton (July 2004 Plan) plan be  
447 approved on the Expedited Agenda as recommended by staff, subject to the annotations on the  
448 plans, standard conditions for subdivisions served by public utilities and the following conditions  
449 Nos. 12, 13 and 14.

450  
451 Mr. Jernigan - Second.

452  
453 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in  
454 favor say aye. All opposed say no. The motion passes.

455  
456 The Planning Commission approved Subdivision Dumbarton (July 2004 Plan) subject to the  
457 standard conditions for subdivisions served by public utilities and the following additional  
458 conditions:

- 459  
460 12. Each lot shall contain at least 8,000 square feet, exclusive of the flood plain areas.  
461 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on  
462 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate  
463 floodplain as a "Variable Width Drainage & Utilities Easement."  
464 14. Any necessary offsite drainage easements must be obtained prior to approval of the  
465 construction plan by the Department of Public Works.

466  
467 **SUBDIVISION**  
468

Hunton Station  
(July 2004 Plan)

**Foster and Miller, P.C. for Attack Properties, Inc.:** The  
8.97-acre site proposed for a subdivision of 32, detached  
zero lot line homes is located along the southern line of Mill  
Road, approximately 660 feet west of the intersection of Mill  
Road and Old Washington Highway on parcels 771-774-3745  
and 771-774-2195. The zoning is R-5AC, General Residence  
District (Conditional). County water and sewer. **(Brookland)**  
**32 Lots**

469  
470 Mr. Strauss - There is a revised plan in your Addendum this morning and a revised  
471 recommendation on Page 7.

472  
473 Mrs. Ware - Is there any opposition to hearing Subdivision Hunton Station (July 2004  
474 Plan) in the Brookland District on the Expedited Agenda? No opposition.

475  
476 Mr. Vanarsdall - I move that Hunton Station (July 2004 Plan) be approved on the  
477 Expedited Agenda as recommended by staff and Page 7 Addendum where staff recommends  
478 approval.

479  
480 Mr. Jernigan - Second.

481  
482 Mr. Vanarsdall - And subject to the annotations on the plans, standard conditions for  
483 developments of this type and added conditions Nos. 12, 13, 14, 15, and 16.

484  
485 Mr. Jernigan - I will second it again.  
486

487 Mrs. Ware - OK. Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All  
488 in favor say aye. All opposed say no. The motion passes.

489  
490 The Planning Commission approved Hunton Station (July 2004 Plan), subject to the standard  
491 conditions for subdivisions of this type, the annotated plans and the added conditions shown  
492 below:

- 493  
494 12. Each lot shall contain at least 5,625 square feet.  
495 13. Any necessary offsite drainage easements must be obtained prior to approval of the  
496 construction plan by the Department of Public Works.  
497 14. The proffers approved as part of zoning case C-66C-03 shall be incorporated in this  
498 approval.  
499 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the  
500 maintenance of the common area by a homeowners association shall be submitted to the  
501 Department of Planning for review. Such covenants and restrictions shall be in form and  
502 substance satisfactory to the County Attorney and shall be recorded prior to recordation of  
503 the subdivision plat.  
504 16. The applicant shall quitclaim his interest in any private access roads, or easements within  
505 the bounds of this development prior to recordation of the subdivision plat.

506 **SUBDIVISION**  
507  
508

Rusher Heights  
(July 2004 Plan)

**Engineering Design Associates for William D. and Helen Rusher:** The 5.8-acre site proposed for a subdivision of 5 single-family homes is located along the southern line of Rising Mt. Zion Road, approximately 1,600 feet southwest of the intersection of Elko Road and Williamsburg Road (U.S. Route 60), on part of parcel 845-711-8385. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 5 Lots**

509  
510 Mr. Strauss - In the Agenda there are conditions Nos. 11, 12, 13 and 14.

511  
512 Mrs. Ware - Is there any opposition to hearing Subdivision Rusher Heights (July 2004  
513 Plan) in the Varina District on the Expedited Agenda? No opposition.

514  
515 Mr. Jernigan - Jim, I've got a couple of questions for Mike.

516  
517 Mr. Cooper - Good morning, members of the Commission.

518  
519 Mr. Jernigan - Mike, this is a limited access highway. There are 130 acres at the end of  
520 that cul-de-sac that can't be reached through Technology Boulevard. We've got five lots. Those  
521 lots will be fronting on Mt. Zion Road.

522  
523 Mr. Cooper - Yes, sir. That is correct.

524  
525 Mr. Jernigan - OK. Are we going to have enough room if we have to widen that road to  
526 have access to that 130 acres through there? Are we going to have enough room for that?

527  
528 Mr. Cooper - The correct right of way dedication, as required by the Traffic Engineer,  
529 has been provided with the plan that is submitted or at least it will provide for that at the time of  
530 final subdivision review. Mike Jennings with the Traffic Engineering Department is here. He  
531 might be able to better answer that question.

532  
 533 Mr. Jernigan - If Mike is here, let's hear from him. Thank you, Mike.  
 534  
 535 Mr. Jennings - Good morning. Yes, it is my understanding that the right of way is  
 536 dedicated and they are just going to do whatever drainage and road improvements they need for  
 537 their five lots, but the right of way will be there to continue that street through to access that  
 538 property if need be and when the case comes up.  
 539  
 540 Mr. Jernigan - Would that be four lanes?  
 541  
 542 Mr. Jennings - No. It would be just a standard subdivision street.  
 543  
 544 Mr. Jernigan - OK. Thank you, Mike. OK, Madam Chairman, I just needed to clear that  
 545 up. With that I move for approval of Rusher Heights (July 2004 Plan), subject to the annotations  
 546 on the plan, standard conditions for subdivisions not served by public utilities and the following  
 547 additional conditions, Nos. 11, 12, 13 and 14.  
 548  
 549 Mr. Vanarsdall - Second.  
 550  
 551 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
 552 favor say aye. All opposed say no. The motion passes.  
 553

554 The Planning Commission approved Rusher Heights Subdivision (July 2004 Plan), subject to the  
 555 standard conditions for subdivisions not served by public utilities and the following additional  
 556 conditions:  
 557

- 558 11. Each lot shall contain at least one acre, exclusive of the flood plain areas.
- 559 12. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on  
 560 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate  
 561 floodplain as a "Variable Width Drainage & Utilities Easement."
- 562 13. Any necessary offsite drainage easements must be obtained prior to approval of the  
 563 construction plan by the Department of Public Works.
- 564 14. Any future building lot containing a BMP, sediment basin or trap and located within the  
 565 buildable area for a principal structure or accessory structure, may be developed with  
 566 engineered fill. All material shall be deposited and compacted in accordance with the  
 567 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a  
 568 professional engineer. A detailed engineering report shall be submitted for the review and  
 569 approval by the Building Official prior to the issuance of a building permit on the affected  
 570 lot. A copy of the report and recommendations shall be furnished to the Directors of  
 571 Planning and Public Works.

572  
 573 **SUBDIVISION**  
 574

Wistar Road  
 (July 2004 Plan)  
 4408 Wistar Road

**Koontz-Bryant, P.C. for Grace V. Potter Estate and Eugene K. Potter:** The 2.25-acre site proposed for a subdivision of 3 single-family homes is located along the northeast corner of Wistar Road and Valleyfield Road on parcel 769-752-0313. The zoning is R-2, One-Family Residence District. County water and sewer. **(Brookland) 3 Lots**

575  
 576 Mr. Strauss - On the Agenda there are conditions 12, 13 and 14.  
 577

578 Mrs. Ware - Is there any opposition to hearing Subdivision Wistar Road (July 2004  
579 Plan) in the Brookland District on the Expedited Agenda? No opposition.

580  
581 Mr. Vanarsdall - I move that Wistar Road (July 2004 Plan) be approved on the Expedited  
582 Agenda as recommended by staff and the annotations on the plans, standard conditions for  
583 subdivisions and the following additional conditions Nos. 12, 13 and 14.

584  
585 Mr. Jernigan - Second.

586  
587 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in  
588 favor say aye. All opposed say no. The motion passes.

589  
590 The Planning Commission approved Subdivision Wistar Road (July 2004 Plan) 4408 Wistar Road,  
591 subject to the standard conditions for subdivisions served by public utilities and the following  
592 additional conditions:

- 593  
594 12. Each lot shall contain at least 18,000 square feet, exclusive of the flood plain areas.  
595 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on  
596 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate  
597 floodplain as a "Variable Width Drainage & Utilities Easement."  
598 14. Any necessary offsite drainage easements must be obtained prior to approval of the  
599 construction plan by the Department of Public Works.

600  
601 **LANDSCAPE PLAN**

602  
LP/POD-40-03  
Kroger Food Store #525 @  
Eastridge Road

**Vanasse, Hangen, Brustlin, Inc. for Kroger Mid-Atlantic:** Request for approval of a landscape plan as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 8.04-acre site is located at 1510 Eastridge Road approximately 800 feet east of N. Parham Road on parcel 757-744-6868. The zoning is B-2C, Business District (Conditional) **(Three Chopt)**

603  
604 Mr. Strauss - This is in the Three Chopt District and standard conditions for landscape  
605 plans are recommended. Page 42 of your Agenda.

606  
607 Mrs. Ware - Is there any opposition to hearing Landscape Plan LP/POD-40-03, Kroger  
608 Food Store #525 in the Three Chopt District on the Expedited Agenda? No opposition.

609  
610 Mr. Vanarsdall - I move that LP/POD-40-03, Kroger Food Store #525 @ Eastridge Road,  
611 be approved on the Expedited Agenda, subject to the annotations on the plans and standard  
612 conditions for landscape plans as recommended by staff.

613  
614 Mr. Archer - Second.

615  
616 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor  
617 say aye. All opposed say no. The motion passes.

618  
619 The Planning Commission approved LP/POD-40-03, Kroger Food Store #525 @ Eastridge Road,  
620 subject to the annotations on the plans and the standard conditions for landscape plans.

621  
622 Mrs. Ware - We don't have a secretary right now, but we can move on to the  
623 Subdivisions for information only.

624  
625  
626

Mr. Strauss - We actually have one case for Commission action.

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Glenwood Lakes (July 1997 Plan)	Fairfield	265	40	6	1 Year 7/27/05

627  
628  
629

**FOR INFORMATIONAL PURPOSES ONLY**

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Mayland Townes (July 2003 Plan)	Tuckahoe	42	42	0	1 Year 7/27/05
Newstead Landing (September 2002 Plan)	Varina	30	30	0	1 Year 7/27/05
Trivett Woods (May 2002 Plan)	Fairfield	8	8	1	1 Year 7/27/05
Winterberry (July 2003 Plan)	Brookland	13	13	0	1 Year 7/27/05

630

631

632

Mr. Strauss - I would draw your attention to Glenwood Lakes (July 1997 Plan). There are no issues.

633

634

Mr. Archer - You said there are no issues?

635

636

Mr. Strauss - Yes, sir.

637

638

Mr. Archer - Do I need to move the extension?

639

640

Mr. Strauss - Yes, sir.

641

642

Mr. Archer - So moved.

643

644

Mr. Vanarsdall - Second.

645

646

Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes.

647

648

The Planning Commission voted to extend conditional approval for Glenwood Lakes (July 1997 Plan) for one year to July 27, 2005.

649

650

651

652

**PLAN OF DEVELOPMENT**

653

POD-52-04 The Villas @ Hunton Park - Condos – Hunton Park Boulevard	<b>Foster and Miller, P.C. for Attack Properties and Clarendon Associates, LC:</b> Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 225 three-story townhouse style condominium units. The 37.847-acre site is located at the southeast corner of Hunton Park Boulevard
--	--

and Hunton Park Lane on part of parcel 762-773-4696. The zoning is RTHC, Residential Townhouse District. County water and sewer. **(Brookland)**

654

655 Mrs. Ware - Good morning, Mr. McGarry.

656

657 Mr. McGarry - Good morning, Madam Chair, and members of the Commission.

658

659 Mrs. Ware - Is there any opposition to POD-52-04, The Villas @ Hunton Park, in the  
660 Brookland District? There is no opposition.

661

662 Mr. McGarry - The review is complete for the plan that has been submitted. It meets  
663 all of the 26 proffers on the rezoning case. The landscape plan must also comply with these  
664 proffers. Therefore, the staff can recommend approval subject to the annotations on the plan,  
665 the standard conditions for developments of this type, and the following conditions No. 23  
666 through 33 and No. 34 on your Addendum, which needs to be revised to reference the Proffer  
667 No. 21 in the rezoning case, and not list all of those blocks and lot numbers that are confusing.  
668 I'd be happy to answer any questions.

669

670 Mrs. Ware - Are there any questions for Mr. McGarry from the Commission?

671

672 Mr. Vanarsdall - None from me.

673

674 Mrs. Ware - Would you like to hear from the applicant?

675

676 Mr. Vanarsdall - No.

677

678 Mrs. Ware - OK. Are we ready for a motion?

679

680 Mr. Vanarsdall - I move that POD-52-04, The Villas @ Hunton Park – Condos – Hunton  
681 Park Boulevard, be approved subject to the annotations on the plans, standard conditions for  
682 developments of this type and the following additional conditions Nos. 23 through 33 and then  
683 we have 34 on the Addendum added.

684

685 Mr. Archer - Second.

686

687 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor  
688 say aye. All opposed say no. The motion passes.

689

690 The Planning Commission approved POD-52-04, The Villas @ Hunton Park – Condos – Hunton  
691 Park Boulevard, subject to the annotations on the plans, the standard conditions for  
692 developments of this type and the following additional conditions:

693

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

695

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

700

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

703

704 26. The proffers approved as a part of zoning case C-67C-03 shall be incorporated in this  
705 approval.

- 703 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
704 a form acceptable to the County Attorney prior to final approval of the construction  
705 plans.  
706 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
707 approved by the County Engineer prior to final approval of the construction plans by the  
708 Department of Public Works.  
709 29. Insurance Services Office (ISO) calculations must be included with the plans and  
710 contracts and must be approved by the Department of Public Utilities prior to the  
711 issuance of a building permit.  
712 30. Approval of the construction plans by the Department of Public Works does not establish  
713 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
714 elevations will be set by Henrico County.  
715 31. The location of all existing and proposed utility and mechanical equipment (including  
716 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
717 shall be identified on the landscape plans. All equipment shall be screened by such  
718 measures as determined appropriate by the Director of Planning or the Planning  
719 Commission at the time of plan approval.  
720 32. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on  
721 the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain  
722 must be labeled "Variable Width Drainage and Utility Easement." The easement shall be  
723 granted to the County prior to the issuance of any occupancy permits.  
724 33. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
725 County standard and specifications. The developer shall post a defect bond for all  
726 pavement with the Department of Planning - the exact type, amount and implementation  
727 shall be determined by the Director of Planning, to protect the interest of the members of  
728 the Homeowners Association. The bond shall become effective as of the date that the  
729 Homeowners Association assumes responsibility for the common areas.  
730 34. The architectural plans with the building permit shall show a detailed cross section of the  
731 sound suppression requirements for a minimum 54 sound coefficient as required by  
732 Proffer #21, Case C-67C-03.  
733

734 **SUBDIVISION**

735 The Ridge at Hunton Park  
( July 2004 Plan)

**Foster and Miller, P.C. for WWJ. L.C. and Atask Properties, Inc.:** The 49.122-acre site proposed for a subdivision of 87 single-family homes is located on the south line of Hunton Park Boulevard approximately, 4,000 feet east of Staples Mill Road (U.S. Route 33) on part of parcel 763-774-7122. The zoning is R-2AC, One-Family Residence District (Conditional). County water and sewer. **(Brookland) 87 Lots**

736  
737 Mr. McGarry - The staff review of the revised plan is complete and a copy is in your  
738 packet. Staff can recommend approval subject to the standard conditions for subdivisions served  
739 by public utilities and the following additional conditions are recommended, 12 through 15 and  
740 on your Addendum 16 is revised. The former conditions 17 to 20 have become a subset of 16,  
741 since they are all related to the same issue. There are two new conditions, Nos. 17 and 18, on  
742 your Addendum. One deals with the provision of a crossover in the median on Hunton Park  
743 Boulevard and the other identifies the details of the proffered required perimeter fence. I'd be  
744 happy to answer any questions.  
745

746 Mrs. Ware - I need to ask if there is any opposition to the subdivision, The Ridge @  
747 Hunton Park. Are there any questions for Mr. McGarry from the Commission? No questions. Mr.  
748 Vanarsdall.

749  
750 Mr. Vanarsdall - I move approval of The Ridge @ Hunton Park (July 2004 Plan), subject  
751 to the annotations on the plan, the standard conditions for subdivisions served by public utilities  
752 and conditions 12, 13, 14, and 15 and Revised 16, Revised 17, Revised 18 and delete 19 and 20.  
753 That is it.

754  
755 Mr. Jernigan - Second.

756  
757 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in  
758 favor say aye. All opposed say no. The motion passes.

759  
760 The Planning Commission approved The Ridge @ Hunton Park (July 2004 Plan), subject to the  
761 annotations on the plan, the standard conditions for subdivisions served by public utilities and  
762 added conditions 12, 13, 14, 15 and Revised 16, 17, 18 and delete 19 and 20.

- 763  
764 12. The proffers approved as part of zoning case C-67C-04 shall be incorporated in this approval.  
765 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on  
766 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate  
767 floodplain as a "Variable Width Drainage & Utilities Easement."  
768 14. The detailed plant list and specifications for the landscaping to be provided within the 25-  
769 foot-wide planting strip easement along I-295, Hunton Park Boulevard and the eastern  
770 terminus of Roads "C" and "E" shall be submitted to the Department of Planning for review  
771 and approval prior to recordation of the plat.  
772 15. Provide evidence to the Department of Planning that the cemetery has been relocated prior  
773 to construction plan approval.  
774 16. Authorization for a gated community shall be granted by a Provisional Use Permit (PUP) by  
775 the Board of Supervisors. Should the PUP for a gated community be approved the following  
776 conditions shall apply:  
777  
778 A. The streets within the gated subdivision shall be built to public road standards and  
779 approved by the County Engineer, or certified as complying with public road  
780 standards by a private inspection firm approved by the County.  
781 B. Complete construction details for the gates are to be included in the subdivision  
782 construction plans and must meet all specifications of the Division of Fire and the  
783 Department of General Services.  
784 C. The subdivision plat must contain a note that clearly states that the streets in the  
785 subdivision are maintained by the homeowner's association.  
786 D. The subdivision's restrictive covenants shall address the private maintenance of the  
787 streets in the public right-of-way. The covenants shall address the financing and  
788 scheduling of maintenance, postal delivery, school bus routing, emergency vehicle  
789 access, trash and recycling collection, and other related matters.  
790 17. The Hunton Park Boulevard median shall be provided a crossover opposite Road  
791 "D" to serve emergency vehicles. A left-turn lane is not required.  
792 18. As required by proffer 15, the perimeter ornamental fence and the black vinyl  
793 coated chain link fence with ivy plantings shall be included in the construction  
794 plans as a separate landscape plan sheet. Site interior landscaping shall be  
795 provided consistent with condition #9.

796  
797 Mr. Vanarsdall - Can we go back to Page 3 for The Villas @ Hunton Park?  
798

799 Mrs. Ware - Certainly.  
800  
801 Mr. Vanarsdall - I didn't look at my notes too well. How do I reopen that? I wanted to  
802 change Condition #34. Anyway, why don't you call it again and we will start over?  
803  
804 Mrs. Ware - Do you want to wait until the Secretary returns and we can go back to this  
805 case, because I am not sure. I am not sure of the procedures. OK, I will make a motion to  
806 reconsider POD-52-04, The Villas at Hunton Park.  
807  
808 Mr. Archer - Second.  
809  
810 Mrs. Ware - All in favor say aye. All opposed say no. The motion passes.  
811  
812 The Planning Commission voted to reconsider POD-52-04, The Villas @ Hunton Park – Condos –  
813 Hunton Park Boulevard.  
814  
815 **PLAN OF DEVELOPMENT**  
816

POD-52-04 **Foster and Miller, P.C. for Atack Properties and**  
The Villas @ Hunton Park - **Clarendon Associates, LC:** Request for approval of a plan  
Condos – Hunton Park of development, as required by Chapter 24, Section 24-106  
Boulevard of the Henrico County Code, to construct 225 three-story  
townhouse style condominium units. The 37.847-acre site is  
located at the southeast corner of Hunton Park Boulevard  
and Hunton Park Lane on part of parcel 762-773-4696. The  
zoning is RTHC, Residential Townhouse District. County  
water and sewer. **(Brookland)**

817  
818 Mr. Vanarsdall - All right. The only change I want to make on POD-52-04 is we added No.  
819 34 from the Addendum, and I wanted to change that to read:  
820  
821 34. The architectural plans with the building permit shall show a detailed cross section of the  
822 sound suppression requirements for a minimum 54 sound coefficient, as required by  
823 proffer Condition No. 21, Case C-67C-03.  
824  
825 That is all I have to say. Sorry about that.  
826

827 Mr. Archer - I second the motion.  
828  
829 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor  
830 say aye. All opposed say no. The motion passes.  
831  
832 Condition No. 34 shall read as follows:  
833

834 34. The architectural plans with the building permit shall show a detailed cross section of the  
835 sound suppression requirements for a minimum 54 sound coefficient, as required by  
836 proffer Condition No. 21, Case C-67C-03.  
837

838 **FOR INFORMATIONAL PURPOSES ONLY**  
839

Subdivision	Magisterial District	Original No. of Lots	Remaining of Lots	Previous Extension s	Year(s) Extended
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<b>Mayland Townes (July 2003 Plan)</b>	<b>Tuckahoe</b>	<b>42</b>	<b>42</b>	<b>0</b>	<b>1 Year 7/27/05</b>
<b>Newstead Landing (September 2002 Plan)</b>	<b>Varina</b>	<b>30</b>	<b>30</b>	<b>0</b>	<b>1 Year 7/27/05</b>
<b>Trivett Woods (May 2002 Plan)</b>	<b>Fairfield</b>	<b>8</b>	<b>8</b>	<b>1</b>	<b>1 Year 7/27/05</b>
<b>Winterberry (July 2003 Plan)</b>	<b>Brookland</b>	<b>13</b>	<b>13</b>	<b>0</b>	<b>1 Year 7/27/05</b>

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860

Mr. Jernigan - Madam Chairman, while we are backing up, let's go back to Page 1, because we did have the Subdivision for Glenwood Lakes that we voted on, and I know that the other subdivisions are for informational purposes only, but there are four listed there, Mayland Townes, Newstead Landing, Trivett Woods, Winterberry, and I want to assume that the extensions for all of those are correct as they are listed on the sheet.

Mr. Silber - They should be correct as listed. Mr. McGarry, do you have anything to the contrary?

Mr. McGarry - Kevin says they are accurate.

Mr. Jernigan - I just wanted it for the record. Thank you, ma'am.

Mr. Silber - I apologize for stepping out. Have we gotten through the Expedited Agenda? What page are you on?

Mrs. Ware - Page 7.

**PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

POD-53-04  
The Manor @ Hunton Park – Recreation Center (POD-83-02 Revised)

**Foster and Miller, P.C. for Builder Resource and Development Company, L.P.:** Request for approval of a revised plan of development and special exception for a private recreation center, as required by Chapter 24, Sections 24-2, 24-13.3 and 24-106 of the Henrico County Code, to construct a one-story, 1,539 square foot recreation center and pool with parking area and permit a gated community. The 0.51-acre site is located at 3497 Manor Grove Circle on part of parcels 765-774-9610 and 765-774-7043. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. **(Brookland)**

861  
862  
863

Mrs. Ware - Is there any opposition to POD-53-04, The Manor @ Hunton Park - Recreation Center? No opposition. Hello, Mr. McGarry.

864  
865 Mr. McGarry - Hello. This plan would authorize construction of the recreation center in  
866 an approved zero lot line subdivision. It does require two motions in your approval, one for plan of  
867 development and the other for special exception for the actual clubhouse. Staff can recommend  
868 approval subject to the standard conditions for developments of this type and the following conditions  
869 Nos. 23 through 30, plus 26 on the Addendum is revised, 30 is Revised and 31 is added, so we are  
870 looking for approval for conditions 23 through 31. I'd be happy to answer any questions.  
871  
872 Mrs. Ware - Are there any questions for Mr. McGarry?  
873  
874 Mr. Vanarsdall - I have none. Let's see. I will start with the special exception. We need a  
875 special exception for a clubhouse, so I move that we approve the special exception for the clubhouse.  
876  
877 Mr. Archer - Second.  
878  
879 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor  
880 say aye. All opposed say no. The motion passes.  
881  
882 Mr. Vanarsdall - I recommend POD-53-04, The Manor @ Hunton Park – Recreation Center,  
883 be approved, subject to the annotations on the plans, the standard conditions for developments of  
884 this type and added conditions Nos. 23, 24, 25 and Revised 26, 27, 28, 29 and Revised 30 and added  
885 31 from the Addendum. I want to add that the sound abatement on this one is .55.  
886  
887 Mr. Jernigan - Second.  
888  
889 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in favor  
890 say aye. All opposed say no. The motion passes.  
891  
892 The Planning Commission approved Special Exception and Plan of Development for POD-53-04, The  
893 Manor @ Hunton Park – Recreation Center (POD-83-02 Revised), subject to the annotations on the  
894 plans, the standard conditions for developments of this type and the following additional conditions:  
895  
896 23. The developer shall provide fire hydrants as required by the Department of Public Utilities  
897 and Division of Fire.  
898 24. The proffers approved as a part of zoning case C-48C-01 shall be incorporated in this  
899 approval.  
900 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
901 form acceptable to the County Attorney prior to final approval of the construction plans.  
902 26. During construction, the emergency access from Mill Road shall be blocked with orange  
903 barrier fence and construction traffic access from Mill Road prohibited.  
904 27. Insurance Services Office (ISO) calculations must be included with the plans and contracts  
905 and must be approved by the Department of Public Utilities prior to the issuance of a building  
906 permit.  
907 28. The pavement shall be of an SM-2A type and shall be constructed in accordance with County  
908 standard and specifications. The developer shall post a defect bond for all pavement with  
909 the Department of Planning - the exact type, amount and implementation shall be  
910 determined by the Director of Planning, to protect the interest of the members of the  
911 Homeowners Association. The bond shall become effective as of the date that the  
912 Homeowners Association assumes responsibility for the common areas.  
913 29. The covenants shall be revised to require mandatory participation by each property owner for  
914 the financial support of the clubhouse as part of the annual assessment.

- 915 30. Complete construction details for the entrance gates shall be included in the revised  
 916 construction plans and must meet all specifications of the Division of Fire and the Department  
 917 of General Services.  
 918 31. The clubhouse construction must be started before approval of the 40<sup>th</sup> building permit and  
 919 completed before the 60<sup>th</sup> certificate of occupancy.  
 920

921 **PLAN OF DEVELOPMENT**

922  
 923  
 924 POD-59-04  
 Villages @ the Crossings,  
 Section 2  
 (POD-49-04 Revised)

**Bay Design Group, P.C. for Sauer Properties, Inc. and  
 Wilton Development Corporation:** Request for approval  
 of a revised plan of development, as required by Chapter 24,  
 Section 24-106 of the Henrico County Code, to construct 51  
 two and three-story residential townhouse units for sale.  
 The 40.98-acre site is located on the east side of Interstate  
 95 extending northwardly approximately 2,000 feet from  
 Virginia Center Parkway on parcel 788-771-3457. The zoning  
 is RTHC, Residential Townhouse District (Conditional).  
 County water and sewer. **(Fairfield)**

923  
 924 Mrs. Ware - Is there any opposition to POD-59-04, Villages @ the Crossings, Section 2,  
 925 in the Fairfield District. No opposition.  
 926

927 Mr. McGarry - The conditional subdivision for this was granted by the Commission in April  
 928 for 175 lots. The Section 1 POD was granted last month for 129 lots. This POD before you is for  
 929 Section 2 with an additional 51 lots, and this will build out the project. Staff recommends approval  
 930 subject to annotations on the plans, standard conditions for developments of this type and the  
 931 following additional conditions are recommended, No. 23 through 32.  
 932

933 Mrs. Ware - Are there any questions for Mr. McGarry?  
 934

935 Mr. Archer - Mr. McGarry, Condition 29 speaks to the approval of construction plans  
 936 that has to do with curbs and gutters. Does that stipulate the type of curb cuts we will have? I  
 937 think you know the kind that we don't want.  
 938

939 Mr. McGarry - That is a general condition we use and we let the Department of Public  
 940 Works accept certain types of curbing.  
 941

942 Mr. Archer - Is there anyway?  
 943

944 Mr. McGarry - Do you have a specific type you'd like to use?  
 945

946 Mr. Archer - Yes, the kind we don't like is the roll face that goes across that bump  
 947 when you go across the highway. In fact, I don't care if we never see another one of those to be  
 948 honest with you. Is there anyway that we can stipulate that – that is a non-standard, I guess, isn't  
 949 it, Mr. Secretary?  
 950

951 Mr. Silber - That is correct. The standard is the...  
 952

953 Mr. Archer - The standard is the kind we want. Is that correct?  
 954

955 Mr. Silber - Yes.  
 956

957 Mr. Archer - OK. Is there anyway we can condition that so that we can be sure that  
958 the standard curb cut would be used?  
959  
960 Mr. McGarry - I think you could amend No. 29 to exclude the roll face curbing.  
961  
962 Mr. Archer - OK. Then let's do that.  
963  
964 Mr. Wilton - I can offer to agree to that. The first section is off-standard curb and  
965 gutter. This is standard curb and gutter.  
966  
967 Mr. Archer - Can we stipulate that for all of your subdivisions from this day forward?  
968  
969 Mr. Wilton - I don't know if I can do that for all of my subdivisions, but this one I  
970 would be happy to.  
971  
972 Mr. Archer - Thank you, sir.  
973  
974 Mr. Silber - For the record, that was Hank Wilton. So we will modify condition No. 29  
975 to reflect that, Mr. Archer.  
976  
977 Mr. Archer - OK, that is all I had.  
978  
979 Mrs. Ware - Are there any other questions of Mr. McGarry? No questions. Mr. Archer.  
980  
981 Mr. Archer - Madam Chairman, I move approval of POD-59-04, Villages @ the  
982 Crossings, Section 2, (POD-49-04 Revised), subject to the annotations on the plans and the  
983 standard conditions for developments of this type, and additional conditions Nos. 23 through 32  
984 with adding the language that we just spoke of in Condition No. 29, standard curb and gutter.  
985  
986 Mr. Vanarsdall - Second.  
987  
988 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor  
989 say aye. All opposed say no. The motion passes.  
990  
991 The Planning Commission approved POD-59-04, Villages @ the Crossings, Section 2, (POD-49-04  
992 Revised), subject to the annotations on the plans, standard conditions for developments of this  
993 type and the following additional conditions:  
994  
995  
996 23. The subdivision plat for Villages @ the Crossings, Section 2 shall be recorded before any  
997 building permits are issued.  
998 24. The proffers approved as a part of zoning case C-3C-04 shall be incorporated in this  
999 approval.  
1000 25. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
1001 County standard and specifications. The developer shall post a defect bond for all  
1002 pavement with Department of Planning - the exact type, amount and implementation  
1003 shall be determined by the Director of Planning, to protect the interest of the members of  
1004 the Homeowners Association. The bond shall become effective as of the date that the  
1005 Homeowners Association assumes responsibility for the common areas.  
1006 26. The developer shall provide fire hydrants as required by the Department of Public Utilities  
1007 and Division of Fire.

- 1008 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
 1009 a form acceptable to the County Attorney prior to final approval of the construction  
 1010 plans.  
 1011 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 1012 approved by the County Engineer prior to final approval of the construction plans by the  
 1013 Department of Public Works. No roll face curbing shall be used.  
 1014 29. Approval of the construction plans by the Department of Public Works does not establish  
 1015 the curb and gutter elevations along the Henrico County maintained right of way. The  
 1016 elevations will be set by Henrico County. Roll face curbing is not permitted.  
 1017 30. The unit house numbers shall be visible from the parking areas and drives.  
 1018 31. The names of streets, drives, courts and parking areas shall be approved by the Richmond  
 1019 Regional Planning District Commission and such names shall be included on the  
 1020 construction plans prior to their approval. The standard street name signs shall be ordered  
 1021 from the County and installed prior to any occupancy permit approval.  
 1022 32. To meet the hand hose lay requirements of the Division of Fire, three-story buildings  
 1023 shall be sprinklered and two-story buildings shall be provided fire lanes at locations  
 1024 satisfactory to Fire.  
 1025

1026 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**  
 1027

POD-56-04  
 Aspen Park  
 6009-6013 Staples Mill Road

**Carter Design for James R. and Thomas R. Hamilton:**  
 Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2(e)(3) of the Henrico County Code, to construct four one-story medical office buildings totaling 20,076 square feet and two office/warehouses totaling 64,556 square feet. The 5.80-acre site is located on the east line of Staples Mill Road (U.S. Route 33), approximately 300 feet north of Aspen Avenue on parcels 774-746-2884, 774-746-3074, 774-746-4666 and 774-746-1058. The zoning is O-2, Office District, O-2C, Office District (Conditional) and M-1, Light Industrial District. County water and sewer. **(Brookland)**

1028  
 1029 Mrs. Ware - Is there any opposition to POD-56-04, Aspen Park, in the Brookland  
 1030 District? No opposition. Good morning, Mr. Wilhite.  
 1031

1032 Mr. Wilhite - Good morning. I would point out the medical office being proposed is  
 1033 located in the front of the site near Staples Mill Road in the O-2 District. The office/warehouse  
 1034 portion of this property is located in the rear of the property zoned M-1.  
 1035

1036 There was a meeting held with the applicant yesterday to discuss issues related to this project, and  
 1037 as a result there are seven additional conditions that appear on Page 5 of your Addendum where  
 1038 staff is recommending approval, and I will be happy to go through them to explain what these  
 1039 conditions address. No. 42 addresses the requirement for a deceleration and turn lane on Staples  
 1040 Mill Road into this development and requires it to be built to VDOT standards.  
 1041

1042 In addition No. 43 covers the necessary right of way dedication for construction of this turn lane be  
 1043 dedicated prior to any occupancy permits being issued.  
 1044

1045 No. 44 covers the replacement of the sidewalk due to the construction of the turn lane along  
 1046 Staples Mill Road. The sidewalk is to be built to VDOT standards as well.  
 1047

1048 Condition No. 45 requires that the driveway between the M-1 and O-2 zoning district be redesigned  
1049 to prohibit the tractor-trailer traffic on the O-2 District property and this would be done prior to final  
1050 plan approval.

1051  
1052 Condition No. 46 would require the applicant to work with the County staff to make sure that  
1053 adequate landscaping is provided along Staples Mill Road. We expect at least a 16-foot landscape  
1054 strip, if not more, to be provided. In addition, there will be a black metal decorative fence with  
1055 brick columns constructed along Staples Mill as part of this requirement.

1056  
1057 Condition No. 47 addresses the architectural details of the buildings located on the M-1 District, the  
1058 office/warehouse buildings in the M-1 District. Prior to building permit approval, the material would  
1059 include scored color integrated block. Staff would add as a point of clarification, this does refer to  
1060 the buildings in the M-1 District, not the O-2 District, which are brick construction.

1061  
1062 Condition No. 48 deals with signage along Staples Mill Road in the O-2 portion of the property.  
1063 What would be required would be a monument type sign with landscaping around the base.

1064  
1065 Staff is able to recommend approval of the plan with those added conditions Nos. 42 through 48,  
1066 as they appear on your Addendum, in addition to the standard conditions and the additional  
1067 miscellaneous conditions already appearing on the agenda. I would also like to point out that there  
1068 is a transitional buffer requirement between the O-2 and the M-1 portions of the site, because this  
1069 project is being developed at one time, and coordinated, staff would recommend waiver of that  
1070 transitional buffer requirement and that would be through a separate motion at this time.

1071  
1072 Mr. Vanarsdall - You want that as a separate motion?

1073  
1074 Mr. Wilhite - A transitional buffer deviation would be a separate motion prior to POD  
1075 approval.

1076  
1077 Mr. Vanarsdall - A buffer between the O-2 and the M-1.

1078  
1079 Mr. Wilhite - Yes. Staff is recommending waiver of that requirement.

1080  
1081 Mr. Vanarsdall - All right.

1082  
1083 Mrs. Ware - Are there any questions of Mr. Wilhite?

1084  
1085 Mr. Vanarsdall - Let me start with the transitional buffer. Staff recommends that we waive  
1086 the transitional buffer between the O-2 and the M-1 property. I recommend that.

1087  
1088 Mr. Jernigan - Second.

1089  
1090 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in favor  
1091 say aye. All opposed say no. The motion passes.

1092  
1093 The Planning Commission voted to waive the transitional buffer requirement between the O-2 and  
1094 the M-1 property for POD-56-04, Aspen Park, 6009-6013 Staples Mill Road.

1095  
1096 Mr. Vanarsdall - Then, on the conditions, I believe, Kevin, we talked about on No. 45 that  
1097 we would refer to Proffer No. so and so and Case so and so.

1098  
1099 Mr. Wilhite - Yes, Proffer No. 3 of both zoning cases, C-53C-89 and C-102C-89, also  
1100 speaks to the traffic connecting between these two zoning districts.

1101  
1102 Mr. Vanarsdall - And then the 47 where it says the materials will include scored color-  
1103 integrated block, I think that only pertains to M-1, does it not?  
1104  
1105 Mr. Wilhite - Yes. The wording in the M-1 zone probably can be placed behind the first  
1106 sentence where "Building Permits for the office warehouse buildings in the M-1 zone" can be  
1107 added.  
1108  
1109 Mr. Vanarsdall - That is good. All right. I want Tom Hamilton and Michelle Carter back  
1110 there, I want to thank them for yesterday's meeting, and Tom, I want to thank you for your  
1111 understanding and cooperation. And I want to thank Christina and Dave O'Kelly for being in on it,  
1112 and so I recommend approval subject to the annotations on the plans, standard conditions for  
1113 developments of this type and conditions Nos. 42,43,44 added, 45 added, 46 added, 47 added and  
1114 48 added and I want to add No. 9 and 11 Amended, and I believe that is it, plus 23 through 41 and  
1115 then others from the addendum, 42 through 48.  
1116  
1117 Mr. Jernigan - Second.  
1118  
1119 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in favor  
1120 say aye. All opposed say no. The motion passes.  
1121  
1122 The Planning Commission approved POD-56-04, Aspen Park, 6009-6013 Staples Mill Road, subject  
1123 to the annotations on the plans, standard conditions for developments of this type and the  
1124 following additional conditions:  
1125  
1126 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning  
1127 for review and Planning Commission approval prior to the issuance of any occupancy  
1128 permits.  
1129 11. **AMENDED** - Prior to the **approval of an electrical permit application and** installation  
1130 of the site lighting equipment, a plan including depictions of light spread and intensity  
1131 diagrams, and fixture **specifications and** mounting height details shall be submitted for  
1132 Department of Planning review and Planning Commission approval.  
1133 23. The right-of-way for widening of School Road as shown on approved plans shall be  
1134 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
1135 dedication plat and any other required information shall be submitted to the County Real  
1136 Property Agent at least sixty (60) days prior to requesting occupancy permits.  
1137 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
1138 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1139 being issued. The easement plats and any other required information shall be submitted  
1140 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1141 permits.  
1142 25. The entrances and drainage facilities on Staples Mill Road (U. S. Route 33) shall be  
1143 approved by the Virginia Department of Transportation and the County.  
1144 26. A notice of completion form, certifying that the requirements of the Virginia Department  
1145 of Transportation entrances permit have been completed, shall be submitted to the  
1146 Department of Planning prior to any occupancy permits being issued.  
1147 27. The developer shall provide fire hydrants as required by the Department of Public Utilities  
1148 and Division of Fire.  
1149 28. All repair work shall be conducted entirely within the enclosed building.  
1150 29. Outside storage shall not be permitted unless properly screened per County Code.  
1151 30. The proffers approved as a part of zoning cases C-53C-89 and C-102C-89 shall be  
1152 incorporated in this approval.

- 1153 31. Prior to issuance of a building permit, the developer must furnish a letter from Dominion  
1154 Virginia Power stating that this proposed development does not conflict with their  
1155 facilities.
- 1156 32. The certification of building permits, occupancy permits and change of occupancy  
1157 permits for individual units shall be based on the number of parking spaces required for  
1158 the proposed uses and the amount of parking available according to approved plans.
- 1159 33. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1160 a form acceptable to the County Attorney prior to final approval of the construction  
1161 plans.
- 1162 34. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1163 approved by the County Engineer prior to final approval of the construction plans by the  
1164 Department of Public Works.
- 1165 35. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)  
1166 of the Henrico County Code.
- 1167 36. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
1168 drainage plans.
- 1169 37 Insurance Services Office (ISO) calculations must be included with the plans and  
1170 contracts and must be approved by the Department of Public Utilities prior to the  
1171 issuance of a building permit.
- 1172 38. Approval of the construction plans by the Department of Public Works does not establish  
1173 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1174 elevations will be set by Henrico County.
- 1175 39. Approval of the construction plans by the Department of Public Works does not establish  
1176 the curb and gutter elevations along the Virginia Department of Transportation  
1177 maintained right-of-way. The elevations will be set by the contractor and approved by  
1178 the Virginia Department of Transportation.
- 1179 40. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1180 Department of Planning and approved prior to issuance of a certificate of occupancy for  
1181 this development.
- 1182 41. The location of all existing and proposed utility and mechanical equipment (including  
1183 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1184 shall be identified on the landscape plans. All equipment shall be screened by such  
1185 measures as determined appropriate by the Director of Planning or the Planning  
1186 Commission at the time of plan approval.
- 1187 42. A deceleration/turn lane will be provided on Staples Mill Road and shall be designed and  
1188 built in accordance with VDOT standards.
- 1189 43. Necessary right-of-way dedication for the deceleration/turn lane as required by Public  
1190 Works Traffic Division will be dedicated to the County prior to any occupancy permits  
1191 being issued.
- 1192 44. A sidewalk, to replace the existing sidewalk, will be provided along the east line of  
1193 Staples Mill Road, designed and built in accordance with VDOT standards in conjunction  
1194 with the deceleration/turn lane.
- 1195 45. The applicant will continue to work with County staff to design a driveway Ingress/egress  
1196 from the M-1 to the O-2 zoning district to prohibit tractor-trailer traffic on the O-2 district  
1197 property prior to final plan approval.
- 1198 46. The applicant will continue to work with County staff to provide a sufficient landscape  
1199 strip from the ultimate right-of-way line of Staples Mill Road, including a 42" black metal  
1200 decorative fence with brick columns spaced 32 feet apart.
- 1201 47. The applicant will continue to work with County staff on architectural details for the rear  
1202 and sides of buildings adjacent to the CSX railroad line prior to issuance of Building  
1203 Permits for the office warehouse buildings in the M-1 zone. Materials will include scored  
1204 color integrated block.

1205 48. All signage on the O-2 district site will be monument style with appropriate landscaping  
1206 around the base.

1207  
1208  
1209

**PLAN OF DEVELOPMENT**

POD-50-04  
Lakewood Manor Retirement  
Community – Lauderdale Drive  
(POD-104-04 Revised)

**TIMMONS Group for Virginia Baptist Homes, Inc.:**  
Request for approval of a plan of development, as required  
by Chapter 24, Section 24-106 of the Henrico County Code to  
construct a new three-story life care facility; three, 3-story  
villas with 10 units each; and 14 single-family cottages for an  
existing life care facility. The 128.09-acre site is located at  
1900 Lauderdale Drive on parcel 734-744-4554. The zoning  
is R-6C, General Residence District (Conditional) and C-1,  
Conservation District. County water and sewer. **(Tuckahoe)**

1210

1211 Mrs. Ware - Is there any opposition to POD-50-04, Lakewood Manor Retirement  
1212 Community, in the Tuckahoe District? No opposition. Hello, Mr. Strauss.

1213

1214 Mr. Strauss - Thank you, Madam Chairman. The applicant proposes to construct a  
1215 number of additional buildings to an existing 250 unit health care living facility. This project was  
1216 originally approved back in 1977 and it has been the subject of a number of plans of  
1217 development review over the years, and most recently, it was the subject of a rezoning and a  
1218 provisional use permit for a life care facility. In keeping with the purpose of life care facility uses,  
1219 there will continue to be a variety of levels of care and unit types for this facility. There will be a  
1220 new 95,126 sq. ft. three-story building addition with a net total of 128 beds. There will be three  
1221 new three-story independent living villas at the southern rim of the existing development. There  
1222 will also be 14 new single-family type independent living cottages. The project also proposes to  
1223 construct some outdoor recreational facilities at the southern corner of the project near the wood  
1224 line to consist of garden plots, putting greens and a tennis court. These are recreational facilities  
1225 that are required by the rezoning case.

1226

1227 The staff had a number of concerns at the time the agenda was prepared. The Fire Marshall is  
1228 concerned about access around the new large building addition. Staff wanted to ensure  
1229 compliance with density limits relative to flood plain on the site, and finally staff also wanted  
1230 some details on the building materials and finishes. After a recent meeting with the Fire  
1231 Marshall, the applicant has provided a revised plan, which was just handed out, which is the plan  
1232 that addresses the access issue around the building addition. The building materials are also  
1233 indicated in this handout and the applicant proposes to use brick that closely matches the  
1234 existing building and vinyl siding. With that, staff can recommend approval, and I'd also like to  
1235 omit Condition No. 30. That is in error. This project is not in a 50-10 area. That was an  
1236 oversight on my part. In conclusion, we've got a distinguished group of gentlemen down here to  
1237 your stage left. We have TIMMONS Group and we have the architects, and we have a  
1238 representative of Virginia Baptist Homes that would like to make a short statement. Thank you.

1239

1240 Mrs. Ware - Thank you. Are there any questions for Mr. Strauss from the  
1241 Commission? I have no questions. Everything seems to be in order here, so I will recommend  
1242 approval of POD-50-04, Lakewood Manor Retirement, subject to the standard conditions for  
1243 developments of this type and the following conditional conditions Nos. 23 through 29, omit 30,  
1244 and also 31 through 34.

1245

1246 Mr. Vanarsdall - Second.

1247

1248 Mrs. Ware - Motion made by Mrs. Ware and seconded by Mr. Vanarsdall. All in favor  
1249 say aye. All opposed say no. The motion passes.

1250  
1251 The Planning Commission approved POD-50-04, Lakewood Manor Retirement Community, –  
1252 Lauderdale Drive, (POD-104-04 Revised) subject to the annotations on the plan, the standard  
1253 conditions for developments of this type and the following additional conditions:

- 1254  
1255 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1256 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1257 being issued. The easement plats and any other required information shall be submitted  
1258 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1259 permits.
- 1260 24. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on  
1261 the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain  
1262 must be labeled "Variable Width Drainage and Utility Easement." The easement shall be  
1263 granted to the County prior to the issuance of any occupancy permits.
- 1264 25. The required building setback shall be measured from the proposed right-of-way line and  
1265 the parking shall be located behind the proposed right-of-way line.
- 1266 26. The developer shall provide fire hydrants as required by the Department of Public Utilities  
1267 and Division of Fire.
- 1268 27. The proffers approved as a part of zoning case C-75C-00 shall be incorporated in this  
1269 approval.
- 1270 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1271 a form acceptable to the County Attorney prior to final approval of the construction  
1272 plans.
- 1273 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1274 approved by the County Engineer prior to final approval of the construction plans by the  
1275 Department of Public Works.
- 1276 30. Insurance Services Office (ISO) calculations must be included with the plans and  
1277 contracts and must be approved by the Department of Public Utilities prior to the  
1278 issuance of a building permit.
- 1279 31. Approval of the construction plans by the Department of Public Works does not establish  
1280 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1281 elevations will be set by Henrico County.
- 1282 32. The location of all existing and proposed utility and mechanical equipment (including  
1283 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1284 shall be identified on the landscape plans. All equipment shall be screened by such  
1285 measures as determined appropriate by the Director of Planning or the Planning  
1286 Commission at the time of plan approval.
- 1287 33. The parking spaces adjacent to the recreation areas will be signed "for use for the  
1288 recreation areas only" and not be used for resident or visitor parking.

1289  
1290 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**  
1291

POD-61-04  
5800 Greendale Road  
Warehouse

**Wingate and Kestner for Bertozzi Family Limited Partnership:** Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 106.2(3)a of the Henrico County Code, to construct a 6,750 square foot warehouse at the northwest corner of Briar Lane and Greendale Road on parcel 775-746-2420. The transitional buffer deviation would reduce the alternative 30-foot buffer to accommodate the entrance drive to the property. The zoning is M-1, Light Industrial District.

County water and sewer (**Brookland**)

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Mrs. Ware - Is there any opposition to POD-61-04, 5800 Greendale Road, in the Brookland District? Good morning.

Mr. Kennedy - Good morning. Greendale Road Warehouse is a proposed 6750 square foot warehouse located on a former reserved parcel to Pinehurst Gardens Subdivision abutting the CSX Railroad right of way. The parcel was originally reserved for park purposes in 1941 when the subdivision was recorded but was never dedicated to the County. A portion of the property was given to the County in 1980 and at that time this residual portion of the property was rezoned M-1, Light Industrial. The proposed warehouse will be used to store and maintain the developer's racing car. He is actually a race driver. A transitional buffer deviation is requested to reduce the alternative 30-foot transitional buffer, which is required along Greendale Road. Greendale Road is unopened along this property. The alternative buffer is actually, it is normally a 50-foot buffer, but would be reduced by a wall. They originally proposed a fence we recommended and they agreed to a "fencecrete" wall as one of the conditions. The buffer tapers at the entrance and that is why they need the transitional buffer deviation. It tapers at the entrance, so where the entrance is, it is now down less than 30 feet. The project provides or meets the requirements of buffers and setbacks, otherwise. A 50-foot transitional buffer is required on the northern side of the property adjacent to the Pinehurst Subdivision and that is provided. Staff recommends approval of both the POD and the Transitional Buffer Deviation. The Transitional Buffer Deviation is recommended with conditions. They are listed in the agenda. I will read them.

1. The proposed wood fence shall be replaced with a 10-foot high "fencecrete" masonry wall.
2. Planting equal to the 25-foot transitional buffer shall be maintained or provided by supplemental planting between the wall and the unimproved portion of Greendale Road.
3. The requirements of the 50-foot transitional buffer shall be satisfied along the northern property line.

With that we can recommend approval and we are also recommending No. 9 Amended. If there are any questions, I am here, and a representative of the developer is here as well.

Mr. Vanarsdall - Are there any questions for Mr. Kennedy from the Commission? No. 28, Deviation from County standards for pavement, curb and gutter. Have we discussed this, Mr. Silber? A change in that or...

Mr. Silber - This was discussed on a residential development, Mr. Vanarsdall. It was deleted from that. That was residential.

Mr. Vanarsdall - And the other thing I want to ask Mr. Kennedy, Mike, what is a "fencecrete"?

Mr. Kennedy - Fencecrete is a panelized concrete wall, so it is masonry panels and they are put between masonry posts. It is a less...

Mr. Vanarsdall - One we used to call the Jack...

Mr. Kennedy - There is one behind Crossridge Shopping Center. It has been used in a variety of other locations, as sound barriers.

1343 Mr. Vanarsdall - Used to call it a Jack Keith fence. OK. And fencecrete is not in the  
1344 dictionary. That is the reason I asked you.

1345  
1346 Mr. Kennedy - No, it is not.

1347  
1348 Mr. Vanarsdall - I figured that is what it was. That is all of the questions I have.

1349  
1350 Mrs. Ware - Do you want to hear from the applicant?

1351  
1352 Mr. Vanarsdall - First of all, I want to approve the Transitional Buffer Deviation and that  
1353 would be with conditions Nos. 1, 2 and 3.

1354  
1355 Mr. Jernigan - Second.

1356  
1357 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in  
1358 favor say aye. All opposed say no. The motion passes.

1359  
1360 The Planning Commission approved Transitional Buffer Deviation for POD-61-04, 5800 Greendale  
1361 Road Warehouse, subject to the following conditions:

- 1362  
1363  
1364 1. The proposed wood fence shall be replaced with a 10-foot-fence "fencecrete" masonry  
1365 wall.  
1366 2. Planting equal to the 25-foot transitional buffer shall be maintained or provided by  
1367 supplemental planting between the wall and the unimproved portion of Greendale Road.  
1368 3. The requirements of the 50-foot transitional buffer shall be satisfied along the northern  
1369 property line.

1370  
1371 Mr. Vanarsdall - And now I make a motion to approve POD-61-04 subject to the  
1372 annotations on the plans, the standard conditions for developments of this type and added  
1373 conditions Nos. 9 Amended and Nos. 23 through 33.

1374  
1375 Mr. Archer - Second.

1376  
1377 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor  
1378 say aye. All opposed say no. The motion passes.

1379  
1380 The Planning Commission approved POD-61-04, 5800 Greendale Road Warehouse, subject to the  
1381 annotations on the plans, the standard conditions for developments of this type and the following  
1382 additional conditions:

- 1383  
1384  
1385 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
1386 Planning for review and Planning Commission approval prior to the issuance of any  
1387 occupancy permits.  
1388 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
1389 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1390 being issued. The easement plats and any other required information shall be submitted  
1391 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1392 permits.  
1393 24. The developer shall provide fire hydrants as required by the Department of Public Utilities  
1394 and Division of Fire.  
1395 25. Outside storage shall not be permitted.

- 1396 26. All exterior lighting fixtures shall be designed and arranged so the source of light is not  
1397 visible from the roadways or adjacent residential properties. The lighting shall be low  
1398 intensity, residential in character, and the height or standards shall not exceed 15 feet.  
1399 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1400 a form acceptable to the County Attorney prior to final approval of the construction  
1401 plans.  
1402 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1403 approved by the County Engineer prior to final approval of the construction plans by the  
1404 Department of Public Works.  
1405 29. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
1406 drainage plans.  
1407 30. Insurance Services Office (ISO) calculations must be included with the plans and  
1408 contracts and must be approved by the Department of Public Utilities prior to the  
1409 issuance of a building permit.  
1410 31. Approval of the construction plans by the Department of Public Works does not establish  
1411 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1412 elevations will be set by Henrico County.  
1413 32. The owners shall not begin clearing of the site until the following conditions have been  
1414 met:  
1415  
1416 (a) The site engineer shall conspicuously illustrate on the plan of development or  
1417 subdivision construction plan and the Erosion and Sediment Control Plan, the  
1418 limits of the areas to be cleared and the methods of protecting the required  
1419 buffer areas. The location of utility lines, drainage structures and easements  
1420 shall be shown.  
1421 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
1422 clearing or grading operations of the site, the owner shall have the limits of  
1423 clearing delineated with approved methods such as flagging, silt fencing or  
1424 temporary fencing.  
1425 (c) The site engineer shall certify in writing to the owner that the limits of clearing  
1426 have been staked in accordance with the approved plans. A copy of this letter  
1427 shall be sent to the Department of Planning and the Department of Public Works.  
1428 (d) The owner shall be responsible for the protection of the buffer areas and for  
1429 replanting and/or supplemental planting and other necessary improvements to  
1430 the buffer as may be appropriate or required to correct problems. The details  
1431 shall be included on the landscape plans for approval.  
1432 33. The location of all existing and proposed utility and mechanical equipment (including  
1433 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
1434 shall be identified on the landscape plans. All equipment shall be screened by such  
1435 measures as determined appropriate by the Director of Planning or the Planning  
1436 Commission at the time of plan approval.  
1437

1438 **PLAN OF DEVELOPMENT MASTER PLAN**  
1439

POD-63-04  
The Shops at Willow Lawn  
Redevelopment Plan

**Vanasse, Hangen, Brustlin, Inc. for Federal Realty Investment Trust:** Request for approval of a plan of development master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to redevelop an existing shopping center and retail strip center including a 2,550 square foot addition and an out parcel addition to the retail strip center, and the addition of two out parcels in the shopping center. The additions total 17,853 square feet. The 35.22-acre site is located at 1601 Willow Lawn Drive at the

southeast corner of W. Broad Street (U.S. Route 250) and Willow Lawn Drive on part of parcels 773-736-2198 and 773-736-6272. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

1440

1441 Mrs. Ware - Is there any opposition to POD-63-04, The Shops @ Willow Lawn  
1442 Redevelopment Plan in the Brookland District? No opposition. Mr. Kennedy.

1443

1444 Mr. Kennedy- Thank you. The Shops at Willow Lawn Redevelopment Plan is a  
1445 proposed master plan for the short-term revitalization of this regional shopping center that was  
1446 originally built in 1958 and was enclosed in 1984. So, it has a kind of a history. The proposed  
1447 master plan would permit approximately 18,000 square feet of additional development on the  
1448 site. The plan would divide an existing retail strip center from the shopping center parcel for  
1449 financing and other purposes. On that retail strip, there will be an addition of approximately  
1450 2,500 square feet and an out parcel. That out parcel is currently proposed to be a bank. In  
1451 addition, there would be two other out parcels that would be added along Willow Lawn Drive  
1452 portion of the site.

1453

1454 A more extensive plan was originally submitted, and that was actually reviewed in the  
1455 newspapers, so people may see discrepancies between this and what was presented in the  
1456 newspapers. A more extensive plan was submitted which contemplated demolition and  
1457 reconstruction of a portion of the mall facing West Broad Street. The management has indicated  
1458 that the long-term objective is to implement that revised plan with an updated plan once they  
1459 have a major anchor tenant for that building. A portion of that building is unoccupied now and  
1460 they are looking for a major tenant. So, they are not looking to do that now, but they will have  
1461 to move forward with that sometime in the future.

1462

1463 The master plan would be implemented by administrative plans of development, which would not  
1464 require further action by the Planning Commission. It is expected that a revised master plan,  
1465 which would authorize the more extensive renovation, will be submitted for Planning Commission  
1466 approval in the future.

1467

1468 The proposed plan would attract additional interest in the property and is viewed by staff as a  
1469 reasonable intermediate plan for the revitalization of this community asset. The plan provides  
1470 the framework for construction plans implementing the master plan to address the County's  
1471 development standards and approval is, therefore, recommended.

1472

1473 Mrs. Ware - Are there any questions of Mr. Kennedy from the Commission? No  
1474 questions. Do you wish to hear from the applicant?

1475

1476 Mr. Vanarsdall - No. I don't believe so. I am very glad to recommend approval of this,  
1477 The Shops at Willow Lawn got a shot in the arm. It will be really nice. Thank you. I move that  
1478 POD-53-04, The Shops at Willow Lawn redevelopment plan, be approved and I want to add Nos.  
1479 9 and 11 Amended, and then conditions Nos. 23 through 39, and subject to the annotations on  
1480 the plans and standard conditions for developments of this type.

1481

1482 Mr. Jernigan - Second.

1483

1484 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in  
1485 favor say aye. All opposed say no. The motion passes.

1486

1487 The Planning Commission approved Plan of Development Master Plan for POD-53-04, The Shops  
1488 at Willow Lawn, subject to the annotations on the plan, the standard conditions for developments  
1489 of this type, and the following additional conditions:  
1490

- 1491 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning  
1492 for review and Planning Commission approval prior to the issuance of any occupancy  
1493 permits.
- 1494 11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the  
1495 site lighting equipment, a plan including depictions of light spread and intensity diagrams,  
1496 and fixture specifications and mounting height details shall be submitted for Department of  
1497 Planning review and Planning Commission approval.
- 1498 23. Only retail business establishments permitted in a B-2 zone may be located in this center.
- 1499 24. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).
- 1500 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
1501 the County in a form acceptable to the County Attorney prior to any occupancy permits  
1502 being issued. The easement plats and any other required information shall be submitted  
1503 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1504 permits.
- 1505 26. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be  
1506 approved by the Virginia Department of Transportation and the County.
- 1507 27. A notice of completion form, certifying that the requirements of the Virginia Department  
1508 of Transportation entrances permit have been completed, shall be submitted to the  
1509 Department of Planning prior to any occupancy permits being issued.
- 1510 28. The developer shall provide fire hydrants as required by the Department of Public Utilities  
1511 and Division of Fire.
- 1512 29. Outside storage shall not be permitted.
- 1513 30. The developer shall install an adequate restaurant ventilating and exhaust system to  
1514 minimize smoke, odors, and grease vapors. The plans and specifications shall be  
1515 included with the building permit application for review and approval. If, in the opinion  
1516 of the County, the type system provided is not effective, the Commission retains the  
1517 rights to review and direct the type of system to be used.
- 1518 31. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1519 a form acceptable to the County Attorney prior to final approval of the construction  
1520 plans.
- 1521 32. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1522 approved by the County Engineer prior to final approval of the construction plans by the  
1523 Department of Public Works.
- 1524 33. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)  
1525 of the Henrico County Code.
- 1526 34. Insurance Services Office (ISO) calculations must be included with the plans and  
1527 contracts and must be approved by the Department of Public Utilities prior to the  
1528 issuance of a building permit.
- 1529 35. Approval of the construction plans by the Department of Public Works does not establish  
1530 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1531 elevations will be set by Henrico County.
- 1532 36. Approval of the construction plans by the Department of Public Works does not establish  
1533 the curb and gutter elevations along the Virginia Department of Transportation  
1534 maintained right-of-way. The elevations will be set by the contractor and approved by  
1535 the Virginia Department of Transportation.
- 1536 37. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
1537 Department of Planning and approved prior to issuance of a certificate of occupancy for  
1538 this development.

- 1539 38. The conceptual master plan, as submitted with this application, is for planning and  
 1540 information purposes only. All subsequent detailed plans of development and  
 1541 construction plans needed to implement this conceptual plan may be administratively  
 1542 reviewed and approved and shall be subject to all regulations in effect at the time such  
 1543 subsequent plans are submitted for review/approval.
- 1544 39. The location of all existing and proposed utility and mechanical equipment (including  
 1545 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)  
 1546 shall be identified on the landscape plans. All equipment shall be screened by such  
 1547 measures as determined appropriate by the Director of Planning or the Planning  
 1548 Commission at the time of plan approval.

1549  
 1550 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**  
 1551

POD-64-04  
 Settlers Ridge, Section A

**Engineering Design Associates for William W. Reed, the Estate of Margaret R. Harrison and Settlers Ridge, LLC:** Request for approval of a plan of development and special exception, as required by Chapter 24, Sections 24-106, 24-13.3 and 24-12(b) of the Henrico County Code, to construct 48 detached dwellings for sale with zero lot lines and a private, non-commercial, recreation center. The 19.455-acre site is located at the southwest intersection of Burning Tree Road and S. Laburnum Avenue, adjacent to Pocahontas Parkway (State Route 895) on parcels 806-692-0994 and 805-692-4564. The zoning is R-5AC, General Residence District (Conditional). County water and sewer.  
**(Varina)**

1552  
 1553 Mrs. Ware - Is there any opposition to POD-64-04, Settler’s Ridge, in the Varina  
 1554 District? There is no opposition.  
 1555

1556 Mr. Wilhite - Thank you. You are being handed out a revised plan, which addresses  
 1557 the issues that were identified on the staff report on the agenda. No apparent right-of-way  
 1558 dedication appears necessary at this point on Burning Tree Road. It appears that we have  
 1559 sufficient right of way at this time. The common areas around the perimeter of this development  
 1560 have been altered to coincide with the staff’s request for buffers. The common area has been  
 1561 widened to 25 feet along Burning Tree Road, 15 feet along South Laburnum, and the 895 ramp,  
 1562 which was proffered with the zoning case. Also, the Department of Public Utilities has been  
 1563 provided enough information on getting sanitary sewer to the site that they can recommend  
 1564 approval as well. The dwelling units are a part of this. Two examples have been included in the  
 1565 packet. There are six proposed models in this development. They are in substantial  
 1566 conformance with the exhibits shown with the zoning case. A special exception is required for  
 1567 the community center, which is a private non-commercial recreation center development.  
 1568

1569 Staff is in position to recommend approval of the revised plan with the additional comments as  
 1570 part of the original staff plan. I would be happy to answer any questions that you have.  
 1571

1572 Mrs. Ware - Are there any questions for Mr. Wilhite from the Commission?  
 1573

1574 Mr. Jernigan - I don’t have any. We are all straight now.  
 1575

1576 Mrs. Ware - Do you need to hear from the applicant?  
 1577

1578 Mr. Jernigan - No. Madam Chairman, I move approval of special exception for the  
1579 clubhouse on POD-64-04.

1580  
1581 Mr. Vanarsdall - Second.

1582  
1583 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
1584 favor say aye. All opposed say no. The motion passes.

1585  
1586 The Planning Commission approved the Special Exception for POD-64-04, Settler's Ridge, Section  
1587 A.

1588  
1589 Mr. Jernigan - And Madam Chairman, with that I would like to move for approval of  
1590 POD-64-04, Settler's Ridge, Section A, subject to the standard conditions for developments of this  
1591 type and the following conditional conditions, Nos. 9 and 11 Amended, and 23 through 36.

1592  
1593 Mr. Vanarsdall - Second.

1594  
1595 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
1596 favor say aye. All opposed say no. The motion passes.

1597  
1598 The Planning Commission approved POD-64-04, Settler's Ridge, Section A, subject to the  
1599 annotations on the plans, the standard conditions for developments of this type and the following  
1600 additional conditions:

- 1601  
1602 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
1603 Planning for review and Planning Commission approval prior to the issuance of any  
1604 occupancy permits.
- 1605 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including  
1606 depictions of light spread and intensity diagrams, and fixture and specifications and  
1607 mounting height details shall be submitted for Department of Planning review and  
1608 Planning Commission approval.
- 1609 23. The subdivision plat for Settlers Ridge, Section A shall be recorded before any (building  
1610 permits/occupancy permits) are issued.
- 1611 24. The developer shall provide fire hydrants as required by the Department of Public Utilities  
1612 and Division of Fire.
- 1613 25. The proffers approved as a part of zoning case C-74C-03 shall be incorporated in this  
1614 approval.
- 1615 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1616 a form acceptable to the County Attorney prior to final approval of the construction  
1617 plans.
- 1618 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1619 approved by the County Engineer prior to final approval of the construction plans by the  
1620 Department of Public Works.
- 1621 28. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
1622 County standard and specifications. The developer shall post a defect bond for all  
1623 pavement with the Department of Planning - the exact type, amount and implementation  
1624 shall be determined by the Director of Planning, to protect the interest of the members of  
1625 the Homeowners Association. The bond shall become effective as of the date that the  
1626 Homeowners Association assumes responsibility for the common areas.
- 1627 29. Approval of the construction plans by the Department of Public Works does not establish  
1628 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
1629 elevations will be set by Henrico County.

- 1630 30. The developer shall provide signage, the wording and location as deemed appropriate by  
 1631 the Director of Public works, which addresses the possible future extension of any stub  
 1632 street.
- 1633 31. A note in bold lettering shall be provided on the erosion control plan indicating that  
 1634 sediment basins or traps located within buildable areas or building pads shall be  
 1635 reclaimed with engineered fill. All materials shall be deposited and compacted in  
 1636 accordance with the applicable sections of the state building code and geotechnical  
 1637 guidelines established by the engineer. An engineer's report certifying the suitability of  
 1638 the fill materials and its compaction shall be submitted for review and approval by the  
 1639 Director of Planning and Director of Public Works and the Building Official prior to the  
 1640 issuance of any building permit(s) on the affected sites.
- 1641 32. The unit house numbers shall be visible from the parking areas and drives.
- 1642 33. The names of streets, drives, courts and parking areas shall be approved by the Richmond  
 1643 Regional Planning District Commission and such names shall be included on the  
 1644 construction plans prior to their approval. The standard street name signs shall be ordered  
 1645 from the County and installed prior to any occupancy permit approval.
- 1646 34. Roof edge ornamental features that extend over the zero lot line, and which are permitted  
 1647 by Section 24-95(i)(1), must be authorized in the covenants.
- 1648 35. Eight-foot easements for construction, drainage, and maintenance access for abutting lots  
 1649 shall be provided and shown on the POD plans.
- 1650 36. Building permit request for individual dwellings shall each include two (2) copies of a layout  
 1651 plan sheet as approved with the plan of development. The developer may utilize alternate  
 1652 building types providing that each may be located within the building footprint shown on  
 1653 the approved plan. Any deviation in building footprint or infrastructure shall require  
 1654 submission and approval of an administrative site plan.

1655 **SUBDIVISION**

1656 Glenside Woods  
 1657 (July 2004 Plan)

**Bay Design Group, P.C. for Richard Holland and Commonwealth Properties:** The 18.20-acre site proposed for a subdivision of 101 townhouses for sale is located along the northern line of Glenside Drive, approximately 1,500 feet west of the intersection of Glenside Drive and Staples Mill Road (U.S. Route 33) on part of parcel 771-748-5588. The zoning is RTHC, Residential Townhouse District (Conditional) and R-5C, General Residence District (Conditional). County water and sewer. **(Brookland) 101 Lots**

- 1658
- 1659 Mrs. Ware - Is there any opposition to Subdivision Glenside Woods, July 2004 Plan, in  
 1660 the Brookland District? No opposition. Mr. Wilhite.
- 1661
- 1662 Mr. Wilhite - Thank you. This property was rezoned in the Year 2000 and that  
 1663 included the RTHC portion of the site and also the area shown as R-5C and O-2C, just to east of  
 1664 this proposed development. The townhouse proposal covers the RTHC portion and also  
 1665 incorporates a small portion of the R-5C site. At this point in time we do not have any  
 1666 information on what may be developed on the rest of the area that was rezoned together. We  
 1667 are trying to get information with the POD. We understand that because of the extent of the  
 1668 wetlands there may not be much room for any further development on these parcels. The  
 1669 proffers of the zoning case limited development to 6.25 units an acre in the RTHC and what is  
 1670 actually proposed with this plan is a density of 5.6 units, so that requirement is being satisfied.  
 1671 There is a slight modification to the layout that was shown as an exhibit with the rezoning case.  
 1672 This was due to the addition of the storm water management basin and the wetlands save area  
 1673 that appears on the north portion of the site. In addition, on the Addendum on Page 7, we are

1674 requesting another condition be considered. This deals with the second point of access to this  
1675 development coming from Crockett Street. It requires that the cul-de-sac road as shown on the  
1676 plan that you have would provide a second point of access to this property and no more than 82  
1677 lots can be developed until the full construction details for the road that provides a second point  
1678 of access to this development is made a part of the case. This development is adjacent to a park  
1679 and ride facility that is on Glenside Avenue. It is being discussed that a portion of this County  
1680 property may be incorporated as a public road that provides the second point of access. With  
1681 the Addendum item on Page 7, condition No. 16, staff is in position to recommend approval of  
1682 the subdivision.

1683  
1684 Mrs. Ware - Are there any questions for Mr. Wilhite from the Commission?

1685  
1686 Mr. Vanarsdall - Yes, Mr. Wilhite, that added condition of 82 lots you realize is going to  
1687 have a boulevard entrance, don't you?

1688  
1689 Mr. Wilhite - Yes, sir. They are also proposing a cul-de-sac over by the second point  
1690 of access. We don't have full details at this time.

1691  
1692 Mr. Vanarsdall - Just wanted to make sure. OK, thank you. That is all of the questions  
1693 that I have. I would like to ask Mr. Wilton a question, but I don't want to go over this case. I  
1694 just want to ask you a question, Hank. You ran into some wetlands over there. Somebody  
1695 asked me this, and they were kind of anxious to know the answer. Are you going to eventually  
1696 or do you know or can you commit to come all the way up to Staples Mill Road  
1697 and...(unintelligible)

1698  
1699 Mr. Wilton - Yes. This is a big purchase by a LLC with Mr. Middleton and myself as  
1700 members. But we are only buying the part that you see illustrated up here in the shaded area.  
1701 The R-5 and the O-2C for the majority of the property is wetlands, and, #1, we try to avoid  
1702 wetlands, which we redid our plan to actually avoid it as much as possible. So as far as Mr.  
1703 Holland's plans for development of that property later on, somebody ultimately may buy it, but  
1704 we have no interest in impacting wetlands at this point.

1705  
1706 Mr. Vanarsdall - We have had a lot of inquiries on that and each person or people has  
1707 said they would be willing to rezone it, after the rezoning of five acres of office there, and I  
1708 believe if you had any reasonable zoning, you had assisted living or RTH. We are not going to do  
1709 the assisted living, so there is a possibility in the future that...

1710  
1711 Mr. Wilton - There is a possibility that any land could become so valuable that they  
1712 will go ahead and develop it, given the circumstances.

1713  
1714 Mr. Vanarsdall - I didn't know if you have ever bought any wetlands, though.

1715  
1716 Mr. Wilton - I try not to, but I usually end up with either that or cemeteries, one or  
1717 the other.

1718  
1719 Mr. Vanarsdall - Thank you, Hank. I move to approve Glenside Woods, July 2004 Plan,  
1720 subject to the annotations on the plans, the standard conditions for residential townhouses for  
1721 sale and conditions 13, 14, 15 and on the Addendum we have 16.

1722  
1723 Mr. Archer - Second.

1724  
1725 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor  
1726 say aye. All opposed say no. The motion passes.

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The Planning Commission approved Glenside Woods (July 2004 Plan), subject to the annotations on the plans, the standard conditions for residential townhouses for sale and the following additional conditions:

- 13. Any necessary offsite drainage easements must be obtained prior to approval of the construction plan by the Department of Public Works.
- 14. The proffers approved as part of zoning case C-53C-00 shall be incorporated in this approval.
- 15. The detailed plant list and specifications for the landscaping to be provided within the 50-foot landscape buffer along Glenside Drive shall be submitted to the Department of Planning for review and approval prior to recordation of the plat.
- 16. A maximum of 82 lots shall be permitted on a single point of access in this development. Complete construction details of the public road providing a second point of access to this development, including the necessary signatures of all property owners involved, shall be submitted for review and approved prior to or concurrent with final subdivision and plan of development approval of 83<sup>rd</sup> lot in this development.

**SUBDIVISION**

Hunter’s Knoll  
(July 2004 Plan)

**Foster and Miller, P.C. for WWLP Development, LLC and Hill Family, LLC:** The 58.0-acre site proposed for a subdivision of 30 single-family homes is located along the east line of Bradbury Road, approximately 0.8 mile south of Darbytown Road on parcels 838-685-7540 and 840-685-2264. The zoning is A-1, Agricultural District and ASO, Airport Safety Overlay District. Individual well and septic tank/drainfield. **(Varina) 30 Lots**

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Mrs. Ware - Is there any opposition to Subdivision Hunter’s Knoll (July 2004 Plan) in the Varina District? No opposition. Mr. Wilhite.

Mr. Wilhite - We just received a revised plan. Staff has had an opportunity to review it. The design of the lots has been revised according to Staff’s recommendations. There are no cul-de-sac lots being proposed. All lots shown, at this time, meet standard lot requirements. In addition, as recommended by staff, the stub street was provided through the property to the north in this development. I would point out that with the revised plan there is an area where the length of the blocks of the road exceed 1350 feet. Staff is recommending approval mainly because there is an opportunity for future street extensions off the existing block. The environmental issues that were identified in the staff report refer back to the Environmental Section of the Public Works Department and they are recommending approval at this time, although the final location of the flood plain, Chesapeake Bay Preservation Area, and the wetlands will be determined in the future at final subdivision upon construction plan approval. With that, staff is in a position to recommend approval of the revised plan with the conditions 11 through 14 shown on the Agenda. If you have any questions, I will certainly try to answer them.

Mrs. Ware - Are there any questions for Mr. Wilhite?

Mr. Jernigan - No, I don’t have any.

Mrs. Ware - Would you like to hear from the applicant?

Mr. Jernigan - Yes, please.

1772  
1773 Mr. Spud Mistr- I am Spud Mistr with Foster and Miller, representing the applicant.  
1774  
1775 Mr. Jernigan- When we talked yesterday, did you find out about that parcel on the  
1776 south side?  
1777  
1778 Mr. Mistr- It is owned separately. I don't know that that parcel is going to be  
1779 developed, and I told Kevin we will be glad to provide it an access. I'd prefer not to...you know  
1780 at least a 20-foot strip or a 50-foot right of way. It might be that we will want to extend the cul-  
1781 de-sac down to it, but until we study that and see exactly where wet lands and flood plains are, I  
1782 would rather just to commit to provide the access, but not to bring the cul-de-sac all the way to  
1783 the property line.  
1784  
1785 Mr. Jernigan - OK. But I mean it was definitely two separate owners.  
1786  
1787 Mr. Mistr - Yes, it is two separate owners and I don't know what anybody can ever  
1788 do with it. I don't know it is good for anybody to do anything with.  
1789  
1790 Mr. Jernigan - It is too wet to build on?  
1791  
1792 Mr. Mistr - It appears so. We haven't gotten that confirmed yet.  
1793  
1794 Mr. Jernigan - All right. Thank you. I don't have any more questions. Madam  
1795 Chairman, with that I will move for approval of Hunter's Knoll (July 2004 Plan), subject to the  
1796 standard conditions for subdivisions not served by public utilities and the following additional  
1797 conditions Nos. 11, 12, 13 and 14.  
1798  
1799 Mr. Vanarsdall - Second.  
1800  
1801 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
1802 favor say aye. All opposed say no. The motion passes.  
1803  
1804 The Planning Commission approved Subdivision Hunter's Knoll (July 2004 Plan), subject to the  
1805 standard conditions for subdivisions not served by public utilities and the following additional  
1806 conditions:  
1807  
1808 11. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on  
1809 the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate  
1810 floodplain as a "Variable Width Drainage & Utilities Easement."  
1811 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
1812 foot-wide planting strip easement along Bradbury Road shall be submitted to the  
1813 Department of Planning for review and approval prior to recordation of the plat.  
1814 13. A County standard sidewalk shall be constructed along the east side of Bradbury Road.  
1815 14. Any future building lot containing a BMP, sediment basin or trap and located within the  
1816 buildable area for a principal structure or accessory structure, may be developed with  
1817 engineered fill. All material shall be deposited and compacted in accordance with the  
1818 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a  
1819 professional engineer. A detailed engineering report shall be submitted for the review and  
1820 approval by the Building Official prior to the issuance of a building permit on the affected  
1821 lot. A copy of the report and recommendations shall be furnished to the Directors of  
1822 Planning and Public Works.  
1823  
1824 **AT THIS THE COMMISSION TOOK A 10-MINUTE BREAK.**

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**THE COMMISSION RECONVENED AT 10:38 A.M.**

Mr. Silber - I wondered if I could take one minute. I wanted to announce this at the beginning of the meeting, but I apologize. It slipped my mind. I wanted to inform the Planning Commission, while there still may be a few people left, that the Planning Department is filling some positions, as you are probably aware, and that we do have two new Assistant Directors, Mr. Emerson and Mr. O'Kelly, and with those promotions created vacancies in our Division Head positions of Principal Planner level position in Comprehensive Planning and in our Development Review and Design Division, and in case the Planning Commission was not aware, we have made two promotions within the office. I just wanted to announce those formally. First, we are very pleased to announce that Leslie News has been promoted to fill Dave O'Kelly's position as a Principal Planner in the Development Review and Design Division. And in the Comprehensive Planning Division, we have made the promotion of Jean Moore into that position. These are effective today. So, officially today they are assuming their new responsibilities and roles. Congratulations to both Leslie and Jean. Now, we have two additional vacancies, so we will be working on these.

Mr. Archer - Are we eligible for those vacancies?

Mr. Silber - Absolutely. Absolutely. The application process is over, Mr. Archer, but if you would like to apply, we will consider you. We have heard good things about you, Mr. Archer.

Mr. Archer - Thank you so much.

**SUBDIVISION**

Sandy Grove  
(July 2004 Plan)

**Engineering Design Associates for Frederick R. Ellis, Jr.:** The 5.37-acre site proposed for a subdivision of 13 single-family homes is located at the northwest intersection of Sandy Lane and Watts Lane on parcels 806-731-1049 and 3524. The zoning is R-3, One-Family Residence District County water and sewer. **(Fairfield) 13 Lots**

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Mrs. Ware - Is there any opposition to Sandy Grove, (July 2004 Plan), in the Fairfield District? No opposition. Mr. Wilhite.

Mr. Wilhite - Thank you. The revised layout was just handed out to you. Staff has had an opportunity to complete its review. This revised plan adds one lot to the subdivision and this was done on the west side of the proposed Sandy Grove Court in this development and has raised the number of lots in this development from 13 to 14. In addition, the proposed street has been shortened somewhat to allow for a planting strip easement along the common boundary between this proposed development and Mayfair Place, which is a subdivision just to the north. There is an existing house that is going to remain on one of the lots facing Sandy Lane. It appears on Lot 13. Because of the home that remains there, the applicant is requesting specific approval of a double-frontage lot, which appears at the corner of Sandy Lane and Watts Lane. This does require specific approval, because it is not on a major street. Both Sandy and Watts Lanes are minor collectors. But this does make practical use of the land as required by the subdivision ordinance. Staff would recommend that the orientation of any dwelling built on this lot be facing the proposed local street, Sandy Grove Court.

1871 With that, staff can recommend approval based on the Planning Commission's specific approval  
1872 of the double-frontage lot.  
1873  
1874 Mrs. Ware - Are there any questions for Mr. Wilhite from the Commission?  
1875  
1876 Mr. Archer - Mr. Wilhite, you and I talked about that cul-de-sac the other day. Did  
1877 you indicate that had been moved any?  
1878  
1879 Mr. Wilhite- The cul-de-sac originally was proposed touching the boundary line of the  
1880 subdivision. We did request that they shorten it somewhat and they have, roughly, by 10 to 12  
1881 feet, which does allow for a planting strip, which could be landscaped to buffer this development  
1882 from the existing neighborhood.  
1883  
1884 Mr. Archer - OK.  
1885  
1886 Mrs. Ware- Any more questions? Do you care to hear from the applicant, Mr.  
1887 Archer?  
1888  
1889 Mr. Archer - I don't think we need to, Madam Chair. We have done all with this that  
1890 we can do, haven't we, Mr. Wilhite?  
1891  
1892 Mr. Wilhite - I believe so, sir.  
1893  
1894 Mr. Archer - I don't think so, Madam Chair.  
1895  
1896 Mrs. Ware - All right. Are you ready for a motion?  
1897  
1898 Mr. Archer - OK, first I move to approve the Special Exception as it pertains to the  
1899 double-frontage lot.  
1900  
1901 Mr. Vanarsdall - Second.  
1902  
1903 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor  
1904 say aye. All opposed say no. The motion passes.  
1905  
1906 The Planning Commission approved a special exception for the double-frontage lot for  
1907 Subdivision Sandy Grove (July 2004 Plan).  
1908  
1909 Mr. Archer - And lastly I move for approval of July 2004 Subdivision Plan for Sandy  
1910 Grove, subject to the standard conditions for subdivisions served by public utilities and added  
1911 conditions Nos. 12 and 13.  
1912  
1913 Mr. Vanarsdall - Second.  
1914  
1915 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor  
1916 say aye. All opposed say no. The motion passes.  
1917  
1918 The Planning Commission approved Subdivision Sandy Grove (July 2004 Plan), subject to the  
1919 standard conditions for subdivisions served by public utilities and the following additional  
1920 conditions:  
1921  
1922 12. The detailed plant list and specifications for the landscaping to be provided within the  
1923 10-foot-wide planting strip easement along Watts Lane, Sandy Lane and Mayfair Place

1924 shall be submitted to the Department of Planning for review and approval prior to  
1925 recordation of the plat.  
1926 13. Any future building lot containing a BMP, sediment basin or trap and located within the  
1927 buildable area for a principal structure or accessory structure, may be developed with  
1928 engineered fill. All material shall be deposited and compacted in accordance with the  
1929 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a  
1930 professional engineer. A detailed engineering report shall be submitted for the review  
1931 and approval by the Building Official prior to the issuance of a building permit on the  
1932 affected lot. A copy of the report and recommendations shall be furnished to the  
1933 Directors of Planning and Public Works.  
1934

### 1935 **SUBDIVISION WITH EXCEPTION**

1936

Shurm Heights, Section F  
(July 2004 Plan)  
2512 Williamsburg Road  
(U. S. Route 60)

**Engineering Design Associates for James Shurm Stewart and John Shurm:** The 7.395-acre site proposed for a subdivision and an exception pursuant to Section 19-4 of the Henrico Code, of 26 single-family homes is located along the north side of Williamsburg Road (U.S. Route 60) between Eanes Lane and Shurm Street on parcels 807-714-3147 and 806-714-9730. The zoning is R-4, One-Family Residence District County water and sewer. **(Varina) 26 Lots**

1937  
1938 Mrs. Ware - Is there any opposition to Shurm Heights, Section F, Subdivision with  
1939 Exception, in the Varina District? No opposition.  
1940

1941 Mr. Wilhite - Thank you. There is currently existing an old restored home along  
1942 Williamsburg Road that was constructed roughly between the years of 1870 and 1890. The  
1943 developer proposes keeping the structure and it would be located on what is shown as Lot 12 on  
1944 this development proposal. In addition, there is a small sliver of property located at the corners  
1945 of Williamsburg Road and Eanes Lane that the developer is closing on in the approximate vicinity,  
1946 which will be added to create what appears as Lot 17 on this proposed plat. Williamsburg Road,  
1947 is a major arterial and that classification requires additional setbacks under an ordinance change  
1948 enacted a few years ago. What is currently required is a 70-foot setback from Williamsburg Road  
1949 to the front property line. Due to the fact that the existing home on Lot 12 is currently about 50  
1950 feet, which is more in keeping with surrounding development, staff, as part of its  
1951 recommendation is recommending a waiver of the 70-foot setback requirement, reducing that  
1952 down to 50 feet. That would make that a part of the recommendation. With that, staff could  
1953 recommend approval of this plan with conditions Nos. 12 through 14 that appear on your  
1954 agenda.  
1955

1956 Mrs. Ware - Are there any questions for Mr. Wilhite?  
1957

1958 Mr. Silber - Mr. Wilhite, what is the normal setback along Williamsburg Road?  
1959

1960 Mr. Wilhite - Well, 70 is what is required. The existing homes around the subdivision  
1961 are approximately 35 to 50 feet.  
1962

1963 Mr. Silber - Thirty-five, so this is not going to go with the additional setback per the  
1964 ordinance, because it is on a major road, but we are lessening that, but we are still requiring 50  
1965 feet instead of 35.  
1966

1967 Mr. Wilhite - Yes. They would like to keep the homes along Williamsburg Road, more  
1968 or less, the same setback as the existing homes there now.  
1969  
1970 Mr. Silber - OK, thank you.  
1971  
1972 Mrs. Ware - Any more questions? Do you want to hear from the applicant?  
1973  
1974 Mr. Jernigan - No. I think we are straight on this. Madam Chairman, first of all, let's  
1975 do a special exception on this. Everything else down there is sitting close to the road, and staff  
1976 is right. If we put a 70-foot setback, it is not going to look good. To my knowledge, I know that  
1977 Williamsburg Road has been widened, but I think Phase 2 in their plans even stops up at Masonic  
1978 Lane. I don't think it is even planning on going any further than that. I am not even sure that it  
1979 is going to go that far. I know Phase 1 came right up to my store at 4408 Williamsburg Road,  
1980 which is right there at Glen Alden Drive, and I am not even sure that they are going to do Phase  
1981 2 with the situation that they have had.  
1982  
1983 First of all, we need to have the Special Exception. I move for approval of the Special Exception  
1984 to have the setback at 50 feet on the Shurm Heights project.  
1985  
1986 Mr. Vanarsdall - Second.  
1987  
1988 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
1989 favor say aye. All opposed say no. The motion passes.  
1990  
1991 The Planning Commission approved Special Exception to permit a 50-foot front yard setback from  
1992 Williamsburg Road.  
1993  
1994 Mr. Jernigan - I will move for approval of Shurm Heights, Section F, July 2004 plan,  
1995 subject to the annotations on the plans, the standard conditions for subdivisions served by public  
1996 utilities, and the following additional conditions Nos.12, 13 and 14.  
1997  
1998 Mr. Vanarsdall - Second.  
1999  
2000 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
2001 favor say aye. All opposed say no. The motion passes.  
2002  
2003 The Planning Commission approved Subdivision Shurm Heights, Section F, July 2004 plan,  
2004 subject to the annotations on the plans, the standard conditions for subdivisions served by public  
2005 utilities and the following additional conditions:  
2006  
2007 12. A County standard sidewalk shall be constructed along the north side of Williamsburg  
2008 Road.  
2009 13. Any necessary offsite drainage easements must be obtained prior to approval of the  
2010 construction plan by the Department of Public Works.  
2011 14. Any future building lot containing a BMP, sediment basin or trap and located within the  
2012 buildable area for a principal structure or accessory structure, may be developed with  
2013 engineered fill. All material shall be deposited and compacted in accordance with the  
2014 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a  
2015 professional engineer. A detailed engineering report shall be submitted for the review and  
2016 approval by the Building Official prior to the issuance of a building permit on the affected  
2017 lot. A copy of the report and recommendations shall be furnished to the Directors of  
2018 Planning and Public Works.  
2019

2020  
2021

**SUBDIVISION**

Turner Forest  
(July 2004 Plan)

**Engineering Design Associates for Melvin A. and Phyllis T. Mathews, Sweet Homes Inc., Stanley E. Acors, Jr. Et Als and Wilton Real Estate and Development Corp.:** The 87.20-acre site proposed for a subdivision of 63 single-family homes is located on the west line of Turner Road and east of New Market Heights Lane, approximately one mile north of the intersection of Turner Road and New Market Road (State Route 5), on parcels 828-685-1128, 829-686-5562 and part of 829-686-2304. The zoning is A-1, Agricultural District and ASO, (Airport Safety Overlay) District. Individual well and septic tank/drainfield.  
**(Varina) 63 Lots (Revised to 64 Lots)**

2022

2023

Mrs. Ware - Is there any opposition to Turner Forest Subdivision, July 2004 Plan, in the Varina District? So noted. Hello, Ms. News.

2024

2025

2026

Ms. News - Good morning, Madam Chairman, and members of the Commission. A revised plan has been distributed which addresses annotations regarding revisions to the lot layout. Specifically, the applicant has provided a second stub road to the north, which is right here, (referring to rendering) as provided for pedestrian access to Four Mile Creek Park, which is in this location (referring to rendering), and has included land shown as Lot 29, which is right here in the subdivision. Due to this change, the revised number of lots is now 64 in lieu of 63. There are also two roads which slightly exceed the 1,320 foot block length right here and right here (referring to rendering), and staff has no concerns with that and has indicated that they recommend approval of that on the plan. The original annotations on the staff plan continue to apply to this plan. As this subdivision is in the general vicinity of Camp Holly and is within an area of historic significance, the conditions recommended for this subdivision are in accordance with the applicable conditions approved for Camp Hill Subdivision located across Turner Road in this area.

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The applicant is in agreement with the staff annotations and conditions and staff recommends approval of this plan subject to the standard conditions for subdivisions not served by public utilities and the additional conditions in your agenda.

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Mrs. Ware - Are there any questions for Mrs. News from the Commission?

2045

2046

Mr. Jernigan - No. I don't have any, Leslie. I appreciate all of your work on this. Mr. Walker is here from the Health Department. I do want to speak to him.

2047

2048

2049

Mrs. Ware - Since there is opposition, would the applicant care to speak now?

2050

2051

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

2052

2053

Mr. Henry Wilton - Good morning. My name is Henry Wilton and I represent Wilton Development this morning, and I'd like to put in for one of these vacancies, if one is available. I am a contract purchaser from the Mathews family who has owned this property in the Varina District. We also bought some property to the far right, which is already an approved subdivision. I think that was Mr. Sweet's subdivision, so we have taken that in order to get another access for our property. We are developing under the same conditions that Mr. Attack, the approval that went through from this Board, a number of months ago, so we did follow his

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2060 same conditions for approval, and again, I will be happy to answer any questions. Again, it is  
2061 under the current ordinance and do I need to reserve some time for rebuttal or something?  
2062

2063 Mrs. Ware - Yes.  
2064

2065 Mr. Wilton - OK. If you have any questions, I will be glad to answer them.  
2066

2067 Mrs. Ware - Are there any questions for Mr. Wilton? Thank you, Mr. Wilton. Will you  
2068 please state your name for the record.  
2069

2070 Mr. John Deal - Good morning, ma'am. My name is John Deal and I represent Camp  
2071 Holly Springs, Inc. for this case today. You received a folder that I had delivered to each of you  
2072 folks yesterday and I would like to introduce that folder as a part of these proceedings and I will  
2073 give that to the Court Reporter in a bit.  
2074

2075 Concerning your condition 19, it says "If a geologic exploration and geo-technical study is  
2076 performed by a geo-technical firm representing the applicant to determine if the proposed  
2077 development may impact ground water quality and quantity at Camp Holly Springs, a copy of the  
2078 study and recommendations shall be submitted to the Planning Office and the Health Department  
2079 prior to final approval of the construction plans." I respectfully submit to you folks that the  
2080 applicant should secure his own geological exploration plan of this property. I have appeared  
2081 before you on numerous occasions concerning this property and this issue and, as you know,  
2082 Camp Holly Springs, and if you could come back over here, I want to show you something about  
2083 our geological exploration we have been doing. Can you see that on your...(referring to  
2084 rendering). OK. Every time I speak to you folks, and I use this machine, I don't know what is  
2085 wrong with it. Is it coming up, sir? That was a beautiful picture there at the beginning. There  
2086 you go. All right now, you see all the dots that are represented on that plan that is on your  
2087 screen now and then you see Turner Forest, the two parcels, and of course, I didn't know about  
2088 the lot that connects the two of them together, but when you see all of those dots, you see  
2089 where Camp Holly Springs has spent right at a quarter of a million dollars just in that particular  
2090 area to find the habits of the Camp Holly Springs aquifer. This aquifer is, historically proven,  
2091 over 3,000 years old and it served the area obviously a long time before a white man ever  
2092 walked this land and it is a natural resource that produces, right now with the rains being like  
2093 they are, being a shallow aquifer like it is, it produces over a million gallons a day of natural  
2094 spring water. And you will notice to the left of the map that is on the screen, you will see, that  
2095 would be the west end of the Mathews property, you will see two dots and then this little road  
2096 going up there, and then there is another dot to the far left. Those dots were holes that we dug.  
2097 Excuse me, I am sorry. The three dots in a row on the extreme left, those three dots in a row  
2098 show that the Camp Holly aquifer at that point flows to Deerlick Creek to the west, which would  
2099 not impact us. However, all of the other dots on this project, I have been advised by the  
2100 engineer, show the Camp Holly aquifer flowing to the east toward the Camp Holly Spring. Now,  
2101 Camp Holly serves Richfood. It serves Kroger, it serves distributors over a five state area with  
2102 natural spring water and is the largest natural spring water bottling operation in the state of  
2103 Virginia, and its business is increasing every day. The Camp Holly Spring, not the Diamond  
2104 Spring, is in your lower right hand corner of your map. You will see in the lower right hand  
2105 corner up there in the red, you will see two dots. I am sorry you can't see the words clearly  
2106 there. That is where the Camp Holly Spring and you will see three dots just above the lower  
2107 right hand corner. The middle dot is the Camp Holly Spring and it is proven by historical records  
2108 that during the revolutionary war that spring was used and during the Civil War that spring was  
2109 used for the same purpose it is being used today, and I am concerned that this, if a geologic  
2110 exploration study is performed, that should say one should be performed. If you will notice,  
2111 there is no geologic exploration being performed within the boundaries of the Mathews property  
2112 and in your conditions there are all kinds of things about wetlands, protecting the wetlands,

2113 impacting the wetlands, all kind of obligations on the applicant to protect the wetlands, and  
2114 we've got a spring here, and as you have heard before, and I will recite again now, if you would  
2115 open your notebooks and I would like to show you, go to tab 1 if you would, Joyce Engineering  
2116 on Page 1, September 24, 2003 report. Look at the No. 1 on the left-hand column. It says  
2117 concerns for the springs continue to be driven by the fact that the Camp Holly aquifer is a  
2118 shallow water table aquifer that is recharged by direct infiltration of precipitation. Therefore, the  
2119 aquifer is extremely susceptible to contamination and other adverse impacts. As a matter of fact,  
2120 if you will look at the map on your screen and you see where Turner Road runs vertically past the  
2121 eastern end of the Turner Forest property, and then curves to the west. Just to the right of that  
2122 is some land that is owned by the Harrelson tract. When it rains like it rains now, the aquifer  
2123 comes up on top of the ground. If you went there today, water would be emitting from the  
2124 aquifer on top of the ground. If you look at the two dots on the eastern side of Turner Road at  
2125 that same bend, where Turner Road comes down a long ways with the Mathews property on the  
2126 left and you go around the bend, there is a house on a corner there that is one of Mr. Dowdy's  
2127 relatives that has a well in it, and his well is 15 feet deep, and that well has served his home for I  
2128 don't know how many years, and it is somewhere right at 15 feet deep. And then look at the last  
2129 sentence in that paragraph that I have a No. 1 by. It says "Once impacted by contamination  
2130 resulting in water quality degradation or by physical alteration of the aquifer matrix, the aquifer  
2131 cannot be restored to its natural condition." And then, if you look at the next paragraph on the  
2132 first page, there was a well hid protection project conducted in April of 1993 in this County, and  
2133 at the very bottom of Page 1, the Henrico County geologist stated, "I felt it necessary to include  
2134 Diamond Springs and Camp Holly Springs in this project, because they are ground water sources  
2135 which are particularly vulnerable to polluting land uses. In addition, the primary recharger for  
2136 the springs were incorporated into the "Henrico County 2010 Comprehensive Plan," which refers  
2137 to the springs by name and discusses its historic nature. The Plan states that the springs are to  
2138 be protected." So the Board of Supervisors of this County has spoken and in the 2010 Plan the  
2139 springs are to be protected.

2140  
2141 Now, on that second page, go down to the second full paragraph where it starts with the words,  
2142 "The contamination posed by the septic drainfields is more acute for Camp Holly Aquifer than  
2143 other areas of the state because of the characteristics of the aquifer." Then you will notice I  
2144 have underlined the words will undoubtedly. They are in the sentence that says the combination  
2145 of the shallowness of the aquifer and the speed of the ground water flow will undoubtedly result  
2146 in drainfield contaminants being introduced into the aquifer. And then there are other concerns,  
2147 but we won't get into those. The no-no concerning locating septic tanks over this aquifer is  
2148 when you live in a house, there is excrement and urine that goes into the septic system. That  
2149 breaks down. It breaks down and part of its breakdown is in the nitrates, and then those  
2150 nitrates filter down to the ground and you've got a lateral 30 inches deep on a septic system.  
2151 Then, that water has got to go somewhere. Some of it goes up. Some of it goes lateral. Some  
2152 of it goes down. When it goes down it goes into the drinking water. You will also notice, going  
2153 back to your map on the screen, there are 30 residences along Turner Road that are drawing  
2154 water from the Camp Holly Aquifer. The water in an aquifer, it would be nice if it always flowed  
2155 in one direction and that was it, but given seasonability, the aquifers can flow north, south, east  
2156 or west, depending on what is happening, and once one part of that aquifer becomes polluted, it  
2157 will eventually all become polluted and nitrates and water cause what we call "Third World  
2158 Conditions" and that is blue babies, all kinds of illnesses, etc. and the problem is you don't know  
2159 it is there until it is too late, and what is going to happen. And notice this engineer, and you will  
2160 notice in Tab 2, Jim Richard said the same thing, the engineer in Tennessee, that any, and he did  
2161 not refer to this development. This letter predated this development and we were talking about  
2162 Amason's development he was going to put on the property, then we were talking about the  
2163 Harrelson development. We also talked about the Noble property, which is in between Camp  
2164 Holly and this property that Mr. Wilton has under contract, but the same facts apply. When that  
2165 aquifer gets polluted and it does flow to the east, it is going to pollute the aquifer and you are

2166 going to have 30 residences, and there are four people per residence, and that is 120 people  
2167 drinking polluted water. Already the testing that we are doing on the water on the Diamond  
2168 Springs to the north, the nitrates in that water have risen to some degree. We lay that to Varina  
2169 Chase Subdivision. That is the only cause that our engineers can find. It has taken that some  
2170 years to get down and impact the aquifer serving the Diamond Springs from the north, but that is  
2171 what has happened. Now, if you would please, turn to Tab 2 and you will see that that is James  
2172 K. Richard. Go over to the second report, go over to the underlined paragraph about midway  
2173 down the page. In my nearly 30 years of experience, this is the only case in which a developer  
2174 has not been required to develop a comprehensive evaluation of the impact the ground water  
2175 resources that could result in the proposed development. He was addressing that fact about the  
2176 Harrelson tract, but in your condition it says "If" and he is saying in 30 years, as an engineer who  
2177 has done these things all over America that this is the first case he has ever seen it has not been  
2178 required. Then you go down to the bottom of the page and you see where "a number of  
2179 proposed septic tanks," and now he is talking about the housing tract, will undoubtedly  
2180 contaminate the shallow aquifer. I have spoken with Mr. Richard and I told him about this  
2181 property and I'm familiar with this property, and he said, "Oh, we've got the same problem."  
2182 Terry Phillips, we've got the same problem and we don't know where the break line is on the  
2183 property up there for this aquifer going back and forth, so we've got to assume it is that whole  
2184 property.

2185  
2186 Now, kindly turn over to Tab 3 to the Virginia Constitution, which is the Mother document to  
2187 every law, regulation, whatever this County has, and it says, "To protect its waters from  
2188 pollution, impairment or destruction for the benefit of the people." This subdivision with septic  
2189 tanks will not comport with the Constitution of the State of Virginia. Turn the next page to Article  
2190 1 of the Bill of Rights, which is also a Mother document to this County, and you will see it is  
2191 underlined in a yellow, the last part, "that is best which is capable of producing the greatest  
2192 degree of happiness and safety." Drinking polluted water, yes, ma'am?

2193  
2194 Mrs. Ware - The time limit for opposition...

2195  
2196 Mr. Jernigan - Yes. Let him go ahead and finish with it. This is the last case. Let him  
2197 continue, please.

2198  
2199 Mr. Deal - All right. Thank you very much, ma'am. I appreciate it. Go over to the  
2200 Constitution of Virginia, Article 11, which is on the next page, and this is in the Constitution of  
2201 Virginia, Section 1, Natural Resources and Historical Sites. "To the end that people have clean air,  
2202 pure water, and use the enjoyment for recreation of adequate public lands, water, and other  
2203 natural resources, it is the policy of the Commonwealth to preserve, develop and utilize its  
2204 natural resources." The next sentence, "Further, it shall be the Commonwealth's policy to protect  
2205 its atmosphere, lands and waters from pollution, impairment or destruction."

2206  
2207 Go on over to Tab 4. The Virginia Code regarding subdivision states "The express purpose of the  
2208 subdivision portion of the Virginia Code is to improve the public, health, safety, convenience and  
2209 welfare." If this development goes in, Camp Holly will be out of business. There will be 30 wells  
2210 somebody has got to replace, not to mention the illnesses that may come out from it.

2211  
2212 Let's go over if you would to – if you flip over about three pages you will see up in the left hand  
2213 corner in your own Code in the County, 15.2-22-23 and go down to No. 5. One of the purposes  
2214 for the Comprehensive Plan is the designation of areas for the implementation of reasonable  
2215 ground water protection measures. That is what your Land Use Plan is. Do you see what I am  
2216 talking about, ma'am? If you look at Section 15 in the upper left hand corner of the page, it is  
2217 Section 15.2-22-23. They are in chronological order there. Do you see that? No. 5 says the  
2218 designation of various implementation of reasonable ground water protection measures; Mr.

2219 Wigglesworth did that in your Well Head Protection Act. The allowing of this development is a  
2220 violation of that.

2221  
2222 Then, let's skip a tab and go over to No. 5 because I know there is a time issue here. The  
2223 purpose of Chapter 19.1 of the Henrico County Code, No. 12, is to protect and improve the water  
2224 quality of the Chesapeake Bay and the tributaries and promote development in accordance with  
2225 the Comprehensive Plan, which says the springs, of course, are to be protected. Go over to  
2226 Section 24.1 in the upper left hand corner, and it says in Item No. 11, at the bottom, "Protect  
2227 surface and ground water." That is in our own Henrico County Code.

2228  
2229 Then here is something that is very important. Turn to Tab 6. Tab 6 is a letter written by Mr.  
2230 Marles of the Planning Office to Dr. Curtis Thorpe in Henrico County concerning Camp Hill  
2231 subdivision. Go down to the second paragraph. Adjacent to this project is land upon which  
2232 Camp Holly Springs and Diamond Springs are located. The County's Comprehensive Plan is part  
2233 of the environmental goals, objectives and identifies the following policies. "Protect the quality of  
2234 the Camp Holly Springs and the Diamond Springs Recharge Area" and this property is in the  
2235 recharge area to the "extent reasonably practical" and secondly "Identify and protect, by proper  
2236 management, aquifer recharge areas." So, the Planning Office of this County has spoken and  
2237 said, "This should be protected, the spring." Now, go over to the December 9 letter, turn over  
2238 one more page and you will see a letter to Mr. Marles from Dr. Curtis Thorpe. And look at the  
2239 last paragraph. "At present, the reports which we have received and reviewed make a strong  
2240 case for the likelihood that on-site water supplies and sewerage disposals in some areas of the  
2241 proposed subdivision, and again, Mrs. Harrelson, but because of the habits of the aquifer, where  
2242 it is located, this statement refers to this subdivision, would result in degradation of water quality  
2243 in the aquifer, which supplies the springs. Based upon that information and their field review,  
2244 our staff recommends that proposed residential development be served by water and sewer."  
2245 So, that is the response giving to your own Planning Office.

2246  
2247 So, ladies and gentlemen, what we are talking about here is an historic feature. It is a natural  
2248 feature. Our engineers, you can see they have drilled all around this property. They know what  
2249 is going on with the aquifer and they know, and they both have affirmed to me in the last few  
2250 days that this development is just a question of time will close down Camp Holly Springs and  
2251 contaminate the wells of 30 residences in the east end of Henrico County. My last statement, the  
2252 bedrock of this democracy is to protect the health, safety and welfare of the citizens, and  
2253 anytime a governmental agency or Commission, such as yourself, steps outside of that and  
2254 issues a building permit that you have been told by competent engineers time and time again,  
2255 before this Commission, is going to without question undoubtedly pollute that aquifer, you have  
2256 overstepped your bounds.

2257  
2258 I'd be glad to answer any questions if you have any.

2259  
2260 Mr. Jernigan - John, I have a question for you. In Richard's letter to you, he stated he  
2261 had never seen that permits had been issued...let's get it this way. Is he trying to say that  
2262 Virginia is a little different than most other states?

2263  
2264 Mr. Deal - Yes, he is. When I told him, he said, "Well, what is", Richard's response  
2265 to me was "What is the County, and this goes way, way back to when we were dealing with  
2266 Amason, and he said, John, what is the County requiring him to do?" And I said, "To my  
2267 knowledge, there are no requirements in it at all." I said, "He is going to get his own  
2268 geotechnical study." And he did. It wasn't worth anything, but he got one, and they did the  
2269 thing in a matter of a few days. And you don't do geotechnical studies in a matter of a few days.  
2270 Anybody knows that. And what he is saying is, "I've never seen this happen like this before."  
2271 You have got a proven resource. It is producing a million gallons of spring water a day. It is

2272 also serving 30 houses, and you guys have the whole burden for proof, and what is going to  
2273 happen here. He said, "I've never seen that before." And he has done these from Virginia to  
2274 California to up in the Dakotas, down to Texas, and he has never seen it before and that is it.  
2275 And I live in a house over 100 years old. It is a historical house and if I wanted to do something  
2276 to that house, I'd have to pass all kind of historical things to get it done, but yet I can go down in  
2277 the ground in the aquifer and pollute not only my water but everybody else's water around and it  
2278 is OK. And the law is about health, safety and welfare. And I know the subdivision ordinance  
2279 passed by the State, and which is granted to the County, and the County only has the power  
2280 granted through the State, I know it is tight, but the interpretation this County has been making  
2281 of it and made of it in this last case we just had with Harrelson, I believe goes outside of the  
2282 health, safety and welfare guaranteed citizens in the Commonwealth of Virginia and the problem  
2283 is we are going to create a Third World condition on Turner Road. That is why you have low life  
2284 expectancies in the Third World. They don't take care of their feces residue and their urine feces  
2285 and they drink it and they die or they get sick. And it is 30 families out there with this stuff. And  
2286 what needs to happen is, and I understand water and sewer might be coming, but that is a  
2287 might be. I hope it does. I hope it does so this man can develop his property and all of these  
2288 other people develop theirs. We are not against that. We are not against development. Let me  
2289 say that for the record. We are not against development. We are against polluting a 3,000 year  
2290 old resource. You know when algae came into the James River, Phillip Morris would have closed  
2291 down but for Camp Holly Springs. C. F. Sauer would have closed down but for Camp Holly  
2292 Springs. That nuclear reactor in Surry goes bad and the wind blows west one day. The whole  
2293 James River will be polluted. You could depend on Camp Holly, but not if you pollute it. And  
2294 that is where it is. And it is in your hands, this Commission's hands as to what is going to  
2295 happen there. And as for Mr. Rapisarda's advice, I know Joe. He is a good man. I can't say we  
2296 are good friends, but we certainly are good acquaintances, and he is a good and competent man,  
2297 and I talked with Andy Mauck at Troutman and Saunders about this yesterday and Andy and I  
2298 both agree, the court, if you all pass this, then this situation is simply going to get added to the  
2299 current litigation that is in court, and that is not a threat. It is a got to. We are fighting for our  
2300 life. These 30 some peoples' wells are going to go bad. We can't sit by and see this happen.  
2301 This is not just another development with "maybe something is going to happen to it." And as I  
2302 said, it is undoubtedly going to happen, and we have to argue in that manner and act in that  
2303 manner. That is where we are and we disagree with his advice to you all.

2304  
2305 Mr. Jernigan - Let me ask you this. You said the nitrate levels are up?

2306  
2307 Mr. Deal - At Diamond Springs, that is correct. And the only thing Jim Richard can  
2308 lay it to is Varina Chase Subdivision.

2309  
2310 Mr. Jernigan - What level is it at?

2311  
2312 Mr. Deal - This is Dave Dowdy, III, the son of the gentleman that owns the spring.

2313  
2314 Mr. Dowdy - To be completely honest, I can't tell you off the top of my head. I've got  
2315 the data sitting in my office, but there is an increase. Yes, sir. And it is to the point to where we  
2316 are looking at some point in the future probably of abandoning the use of Diamond Springs  
2317 because of the nitrate levels.

2318  
2319 Mr. Deal - And that is Varina Chase, and Varina Chase is a good half-mile away  
2320 from Diamond Springs. That is the only thing we can lay it to. There has been no other  
2321 development in the area.

2322  
2323 Mr. Jernigan - All right. That is all I had. Does anybody else have any questions?

2324

2325 Mrs. Ware - All right. Thank you, gentlemen.  
2326  
2327 Mr. Deal - Thank you all very much. I appreciate your time.  
2328  
2329 Mr. Jernigan - I would like to hear from Mr. Walker.  
2330  
2331 Mr. Lewis Walker - Good morning. I am Lewis Walker, the Environmental Health Supervisor  
2332 with Henrico County.  
2333  
2334 Mr. Jernigan - Good morning, Lewis. About the only time we get to talk is when you  
2335 are at the podium, so we will have to make a visit one day.  
2336  
2337 Mr. Walker - I'd appreciate it under some other circumstances.  
2338  
2339 Mr. Jernigan - I want to ask you about what is the procedure for obtaining a health  
2340 permit for a septic tank in Henrico County now? When you go out to check a lot, tell me the  
2341 parameters that the soil would have to be in.  
2342  
2343 Mr. Walker - As you know, the regulations have changed recently. We have some  
2344 alternative technology that allows us to use sites that we were unable to use prior because of  
2345 stand-off distance to water tables, and so, we, of course, just take our soil boring study profiles  
2346 of the soil to determine depth of water table restrictions or other types of restrictions to  
2347 determine if it can be used, and what type of technology, if necessary, for use of the site.  
2348  
2349 Mr. Jernigan - I guess what I am trying to get at is the, Mr. Deal had told me earlier  
2350 that you have a 12 inch soil test. Could you explain that for the staff and the Commission?  
2351  
2352 Mr. Lewis - With the use of the new alternative technologies that allows us to reduce  
2353 the distance between the bottom of the absorption area, the disposal area and the water table,  
2354 that used to be 18 inches, and still is for a conventional septic tank drainfield, but for 12 inch  
2355 standoffs between the bottom of the septic area and the water table, it is now 12 inches.  
2356  
2357 Mr. Jernigan - So you have to have 12 inches of good soil for the alternative system?  
2358 Now, does it matter what is below it? By State Code.  
2359  
2360 Mr. Lewis - It says you can't have a restriction at 18 inches, which deals with  
2361 situations we don't generally have here. It is usually rock, but that is the primary condition, and  
2362 that is not an issue we deal with in this geographic area of the state.  
2363  
2364 Mr. Jernigan - But am I correct in saying that the conditions for checking septic tanks  
2365 are all over the State the same?  
2366  
2367 Mr. Lewis - Yes.  
2368  
2369 Mr. Jernigan - In the mountains and in the low lands.  
2370  
2371 Mr. Lewis - Yes.  
2372  
2373 Mr. Jernigan - So if you were to have a septic system, you'd have 12 inches of good  
2374 soil, and you are sitting over an aquifer, you would not stop issuing a permit. And I think if I am  
2375 correct on this, we still have nitrates with the alternative system, and normally in a flow in 20  
2376 feet of dirt, water is purified?  
2377

2378 Mr. Lewis - It is certainly improves with depth as it moves through the soil, yes. We  
2379 have always used the soil with the treatment of waste water.  
2380  
2381 Mr. Jernigan - So, if that aquifer was 15 feet below the level of the ground, it would still  
2382 be OK for the nitrates to go in there?  
2383  
2384 Mr. Lewis - Sure. We deal with specific regulations as to soil types and technologies  
2385 of use. Sometimes they don't deal with all of the environmental issues that we, as  
2386 environmentalist would like to see it deal with, but we have to deal with the regulations that we  
2387 are given.  
2388  
2389 Mr. Jernigan - I hate to put you on the spot, but according to what we have heard  
2390 today with the regulations that the County has and what the legal papers, is there any protection  
2391 for this aquifer?  
2392  
2393 Mr. Lewis - Not in my regulations.  
2394  
2395 Mr. Jernigan - OK. Thank you.  
2396  
2397 Mr. Archer - May I ask a question? I am sure Mr. Deal and everybody here  
2398 understands that none of us sitting here on this Commission would want to in any way harm  
2399 anybody's water system, and Mr. Deal indicated that there has been an increase in the nitrate  
2400 level at Diamond Springs, which he believes has been caused by the development of Varina  
2401 Chase. Is there any other condition that could have caused this increase in nitrate other than  
2402 that subdivision?  
2403  
2404 Mr. Walker - Not that I am aware of.  
2405  
2406 Mr. Jernigan - Lewis, I have another question. Let's look at the worst alternative, the  
2407 thing that happens, and that it gets contaminated. What happens then? What happens to those  
2408 30 wells down there?  
2409  
2410 Mr. Walker - The first thing, of course, that we look at was to look for reasons if we  
2411 had something that massive, but as those shallow wells, our recommendation now is the use of  
2412 drilled wells in the deeper aquifer. As a matter of fact, that is the only kind of permits we  
2413 recommend for new construction or for replacement wells now anyway, so we would look at that.  
2414 It would be dealing with a different aquifer with 200-300 foot wells.  
2415  
2416 Mr. Jernigan - But under the conditions that we have now, we have 30 homes with 30  
2417 wells. If they were to be contaminated, where would the responsibility lie?  
2418  
2419 Mr. Walker - We would hold the owner of the homes, the residents responsible. They  
2420 are the only person we would be able to deal with based on our regulations  
2421  
2422 Mr. Jernigan - You would hold the owner of the residence?  
2423  
2424 Mr. Walker - Yes. That is who we would deal with to correct the problem, which  
2425 would be to issue them a new well permit.  
2426  
2427 Mr. Jernigan- OK. Thank you. Come on up, Hank.  
2428  
2429 Mr. Hank Wilton - Yes, sir. I guess in rebuttal, I actually purchase Diamond Springs water  
2430 for my house and my offices, so obviously I am not here to go ahead and shut down any type of

2431 private enterprise. We are in agreement to the same conditions that Mr. Atack put on his case.  
2432 This is the first time that I have heard from Mr. Deal or anybody associated with the Diamond  
2433 Springs. Obviously, we have gone through the stages of the Staff/Developer and so on, and,  
2434 again, part of the property that I am buying that you see here already has an approved  
2435 subdivision plan on there, which we are doing that, Mr. Sweet's subdivision plan. Listening to Mr.  
2436 Deal, obviously he's got a point. I think one of the big points is to protect the aquifer. I  
2437 understand there has been some discussion there, but I believe that the word we got to reflect  
2438 on is reasonable protection of the aquifer, and what we have is the right to develop your  
2439 property and it is reasonable to see that Mr. Mathews can sell his property or develop it, or I can  
2440 buy it from him and develop it. And I have the right to do that and he has the right to go ahead  
2441 and sell it, and, again, that is all I am asking for here. It is not property rights. I do understand  
2442 also, and I have talked to my attorney, that I own some of the core of the earth under my  
2443 property that I am purchasing. Therefore, I own the aquifer underneath me, so I guess I have a  
2444 hard time saying anything, (unintelligible) versus I own it. Obviously we will use it for, there is a  
2445 substantial amount of water, obviously, under there. We will use it for our well systems unless  
2446 water is run, and we are looking at the possibility in conjunction with Mr. Atack of the sewer and  
2447 the water and we will look at that situation, but again, what we have today, what we are  
2448 requesting today is by right under the current Ordinance, and, again, something that has been  
2449 done in two subdivisions, one almost adjacent to me and also the Camp Hill Subdivision. So,  
2450 again, I think what I am asking for is by right in order to develop the property. If you have any  
2451 other questions, I will be happy to answer them.

2452  
2453 Mrs. Ware - Are there any questions for Mr. Wilton?

2454  
2455 Mr. Jernigan - Hank, I told you at the beginning of this meeting, you know, how I felt  
2456 on this, and I told you I may want to defer it for two weeks.

2457  
2458 Mr. Wilton - Yes, sir. Again, the issue here is the deferral is not going to create  
2459 anything different with the rights that I am referring to here. So I would request not to have a  
2460 deferral. Again, I think what I am asking for from this Commission is not going to change by two  
2461 weeks. If Mr. Deal wants, obviously, if Mr. Deal would like to go ahead and his client purchase  
2462 this property and keep it from development, that is up to them, and certainly that would be their  
2463 right, or they could have bought it from Mr. Mathews. But a two-week deferral is not going to  
2464 change what I think obviously needs to be done here. It is not going to change my discussion,  
2465 and I guess if there is a reason for a two-week deferral, I'd be happy to go ahead and comply  
2466 with the request, but again, I cannot see a reason for a two-week deferral to discuss exactly  
2467 what has been said here.

2468  
2469 Mr. Jernigan - And normally you would be right, and we discussed this before the  
2470 meeting. I didn't want to really defer anything because a deferral really doesn't do any good if it  
2471 is coming at you, the same answer. But I tell you at this point I want to talk to the Health  
2472 Department myself and let them interpret for me what the Ordinances say, because the  
2473 Ordinance that the County has is not what the State is going by.

2474  
2475 Mr. Wilton - And again, I think what I am asking for as far as a decision from the  
2476 Planning Commission has nothing to do with regard to the issuance of a Health Permit. That is  
2477 something that, again, if the County wants to discuss with the Health Department and the State  
2478 Permitting System, certainly, and we've had that discussion. That is up to them, but again I am  
2479 not asking for anything that is not reasonable in my opinion for this body to approve. I mean,  
2480 certainly, you can tell me I am going to have a two-week deferral, but I am saying that it is not  
2481 going to change anything in regard to the regulations of what is available to the development of  
2482 this property.  
2483

2484 Mr. Jernigan - Well, one thing that bothers me right now is the Chesapeake Bay Act  
2485 protects the Bay better than the Health Department is protecting its citizens.  
2486

2487 Mr. Wilton - And that bothers me sometimes, too, believe me.  
2488

2489 Mr. Jernigan - Right now I need interpretation on that, so...  
2490

2491 Mr. Silber - Mr. Jernigan, before you do that, if I could just make a comment. I  
2492 understand your concern and your desire to defer this and if that is your wish, that is fine.  
2493 Although I don't know necessarily what we are going to gain with a deferral, because this is  
2494 similar to the previous subdivision and there are legal implications and there are State regulations  
2495 that go beyond the ability of the Planning Commission to be able to proceed, but if you are  
2496 considering a deferral, the Planning Commission's agenda in two weeks is extremely heavy. We  
2497 have, I believe, in excess of 20 zoning cases. It is going to be a very long meeting and very long  
2498 night. If any deferral is suggested or recommended, I would suggest it go out to the second  
2499 meeting in September.  
2500

2501 Mr. Jernigan - Well, if I do it, it is going to be decision only. There is not going to be  
2502 speakers or we are not going to have speakers. Hank, I know we are working on this with Bob,  
2503 too, to see if we can get some sewer and water down there.  
2504

2505 Mr. Wilton - Yes, sir, but we both know that that decision is not going to be made in  
2506 30 days...  
2507

2508 Mr. Jernigan- I know that.  
2509

2510 Mr. Wilton - Again, it is up to you for the deferral. I do have to close this property,  
2511 and, again, I think what I am asking for is by right. I know there are some issues that you have  
2512 with the State Health Board, but again, that is a fight, I think, for Henrico County if they want to  
2513 change the State System. It is nothing I can do about that.  
2514

2515 Mr. Jernigan - And I know that. It is not your baby. I am saying what the Ordinance  
2516 says and what is being done are two different things, but I know we can't change that in two  
2517 weeks. We can't change it in 30 days. Let me ask you this. I think that when we talked earlier,  
2518 when you were looking into water and sewer, are you going to proceed with checking with Bob  
2519 to see what you all can do together on this?  
2520

2521 Mr. Wilton - Certainly, and you know I told you to go in and rezone I would have to  
2522 know what the proffer situation is, and, obviously, additional density, in order to pay for the  
2523 sewer and water, but my preference is always to go ahead and develop sewer and water, if it is  
2524 available. I would like to mention, though, that over half of the systems are going to be the  
2525 alternative systems, and they are 75% more efficient than the current systems. I've got my  
2526 engineer here if you want to talk about that, so 50% of them are going to be much better than  
2527 anything that is out there now. There are some 30 homes that are available now. Again, the  
2528 effluences and so on are taken care of and actually filtered, and, again, if you have got any  
2529 questions on that. So that system makes this a property available at this point. It also does a  
2530 much better job than what everybody is used to and probably, I didn't have the notes like  
2531 everybody else, but again if you look at the old system versus the new system that most people  
2532 are using, especially here, and over 50% of these are going to be that way. You are not talking  
2533 about as many effluents as you think are going to be going into the system. So, again, the  
2534 report probably, and, again, I don't have a copy of it, but that would probably have to look into  
2535 that as far as again. These are different systems going in from the ones back when Amason was  
2536 during this case, because I sat through that case. They did not have it available at that point.

2537 So, again, we are talking about a difference, basically a different type of animal, in most cases, in  
2538 over 50% of the cases. If you do give me a deferral sir, I would have to request the earlier one  
2539 for decision only if that is appropriate. I cannot put off closing any longer than that. I will leave  
2540 that up to you, sir.  
2541  
2542 Mr. Jernigan - Thank you. Lewis, would you come back up, please. Do you see the  
2543 situation I am in here?  
2544  
2545 Mr. Walker - Sure do.  
2546  
2547 Mr. Jernigan - Do you think it is a possibility that I could meet with Mr. Thorpe or his  
2548 representative?  
2549  
2550 Mr. Walker - He is on vacation, I think, but I think he is back next week.  
2551  
2552 Mr. Jernigan - Well, I am talking sometime within a month.  
2553  
2554 Mr. Walker - He and I and Mike Campbell, we'd probably be the people you'd like to  
2555 speak with.  
2556  
2557 Mr. Jernigan - We need to sit down and get this thing straight, because we have got  
2558 conflicting rules. It looks like the County's rules are higher than the State's rules.  
2559  
2560 Mr. Walker - I definitely agree with that, and when I talk to other people in the State,  
2561 geologists in the State, they have agreed with me. What I said a little bit earlier is that people  
2562 who understand the environment, we would like to see the regulations do more than they do, but  
2563 our regulations deal with an application for a septic tank or a well on a specific piece of property,  
2564 and these are larger issues than that that our regulations don't deal with.  
2565  
2566 Mr. Jernigan - OK. Thank you. I will be in contact with you.  
2567  
2568 Mr. Archer - Mr. Jernigan, may I interject something?  
2569  
2570 Mr. Jernigan - Yes, sir.  
2571  
2572 Mr. Archer - I am still sitting here thinking about the information that Mr. Deal gave  
2573 us concerning the increase in nitrates, and certainly I am not an expert in that area at all, but I  
2574 would be curious to see if you could find out if that can be traced back to the Varina Chase  
2575 Subdivision, so that we could have some information to give us some guidance as to how we go  
2576 forward on this, because this is something that we could discuss for years, and I would feel  
2577 comfortable if I had some way of knowing that this is actually what caused that rise in the level,  
2578 and if it is not, then what could the alternative source be, if something else is causing it.  
2579 Because it is hard to make a decision without information, and I agree with you, I don't think we  
2580 have enough right now.  
2581  
2582 Mr. Jernigan - Well, it has been there, I mean the aquifer has been there a long time,  
2583 and now we are getting increases and I don't know how to trace it. I am not even sure if the  
2584 Health Department knows how to trace it.  
2585  
2586 Mr. Archer - And the problem with that is, you know, are the increases coming from  
2587 some human condition or is it just an evolutionary process that happens, and what levels would  
2588 the nitrates reach before. Right now, what is it? Holly Springs that has a rise in the nitrates. Is it  
2589 going to reach a point where it will be unusable? And if it is, what caused it?

2590  
2591 Mr. Silber - Mr. Archer, at the same time, it may be very difficult to determine the  
2592 source of those contaminants and it may be very difficult to determine if it is coming from Varina  
2593 Chase or not.  
2594  
2595 Mr. Archer - I understand that. That is what my confusions are. Where is it coming  
2596 from and what would we be doing, and I certainly understand Mr. Wilton's rights.  
2597  
2598 Mr. Deal - Could I just address the nitrates on the Diamond Springs up above? On  
2599 the Diamond Springs, not the Camp Holly Spring. The engineers, the young lady engineer that  
2600 was with Joyce Engineering and now she is with Gold Associates, and Jim Richard, of Tennessee,  
2601 have pegged Varina Chase by a process of elimination, because there is nothing else in the area  
2602 emitting nitrates. Now, there are agricultural uses to the south of this property, but Mr. Dowdy  
2603 owns most of the land to the south, and he doesn't, that is not under cultivation. You know,  
2604 fertilizers have nitrates in them. And so it is a process of elimination and what has happened is  
2605 you've got testing that is done at this spring daily, for years, and this testing has shown that  
2606 some years ago the nitrate levels were lower. Then there is a development coming, Varina  
2607 Chase. Then, these nitrates here some years later, after the development, some years later after  
2608 the development begin to somewhat increase and there is no other development around there.  
2609 And that is the only thing they can lay it to. Now, agriculture can produce nitrates.  
2610  
2611 Mr. Archer - I understand what you are saying, and anytime you are dealing with a  
2612 process of elimination, you don't really prove anything except that the things you eliminate didn't  
2613 cause it. But that didn't say that the things you didn't eliminate did. And I can't argue that  
2614 point.  
2615  
2616 Mr. Deal - I was just giving you the benefit of our engineer's process.  
2617  
2618 Mr. Archer - I appreciate that, but you know, I don't know how we will ever find out,  
2619 in a definitive, what is really raising the nitrate level.  
2620  
2621 Mr. Deal - The only way you'd ever positively know, to my knowledge, would be if  
2622 you put dye in all of the septic tanks in Varina Chase and see if it ever showed up at Diamond  
2623 Springs one day, and that would take years. We have done ground water speed studies on this  
2624 entire aquifer. How fast does the water travel? How many feet per year? How many feet per  
2625 month? That all depends on the rainfall, because the aquifer is so shallow. And so there are a  
2626 lot of variables in here, but it was a process of elimination. It was clean before Varina Chase.  
2627 Varina Chase is there. Years have happened and now it is not so clean at Diamond Springs.  
2628 Camp Holly is still clean; not a problem.  
2629  
2630 Mr. Jernigan - All right. Thank you, John. All right, I know what I am going to do on  
2631 this, but I want to make a statement first that I will reiterate. I don't like the conditions that we  
2632 have here, to where the County conditions exceed what the State is doing for us. And it makes  
2633 me feel even worse to know that other states are taking care of their water sources more than  
2634 what the State of Virginia is. I don't like this case and I didn't like the Camp Hill case either,  
2635 because it has implications of contamination, but because of closed sessions that we had with the  
2636 County Attorney, and I have been well versed on what the law is, it kind of has me in a strangle  
2637 hold. But I tell you what I am going to do.  
2638  
2639 I am going to ask for approval of this case, not because I want to but because I have to, legally,  
2640 but between now and, this is conditional approval, between now and the time after this, I am  
2641 going to work with the Health Department to see if we can't get these regulations straight, and  
2642 see if we can't get things protected before any finals are issued on Camp Hill or on this property

2643 here. I am hoping that through the work with Mr. Atack and Mr. Wilton that maybe we will get  
2644 sewer and water down here, and we will take care of this problem. But reluctantly, I will have to  
2645 ask for approval for Turner Forest Subdivision (2004 Plan).

2646  
2647 Mr. Vanarsdall - I will have to reluctantly second it.

2648  
2649 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
2650 favor say aye. All opposed say no. The motion passes.

2651  
2652 The Planning Commission approved Turner Forest (April 2004 Plan), subject to the standard  
2653 conditions for subdivisions not served by public utilities and the following additional conditions:

- 2654  
2655 4. **AMENDED** –This approval is of the conditional plat only. Final approval of the plat shall  
2656 not be granted until such time as the Virginia Department of Health has granted approval  
2657 for sewage disposal on all lots or until a final plat is prepared that conspicuously indicates  
2658 all lot(s) not receiving Virginia Department of Health approval for sewage disposal, and  
2659 which states that there shall be no construction on lots without such approval. Details of  
2660 approved sewage disposal systems and reserved areas for such systems shall be included  
2661 with the final construction plan prior to construction plan approval.
- 2662 10. **AMENDED** - Prior to recordation of the plat, the developer shall provide a buildable area  
2663 plan showing information for each lot within the subdivision. These plans shall be a part  
2664 of the revised construction plans submitted for review and for signature. The buildable  
2665 area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable  
2666 area for the principal structure, all setback dimensions, the minimum lot width (front  
2667 building line), the area of each lot found to be suitable for the location of the septic  
2668 drainfield system and reserved drainfield area on the lot, or alternative system, and if  
2669 applicable, the 100 year floodplain location, the area of each lot exclusive of floodplain,  
2670 and Chesapeake Bay Act Preservation areas and setback dimensions when applicable.
- 2671 11. Prior to final approval of the construction plans, grading plans with minimum finished  
2672 floor elevations are required for the following lots: All lots that have impacted wetlands,  
2673 all lots adjacent to wetlands, all lots adjacent to yard swales, all lots adjacent to flood  
2674 plain, all lots that have a sediment trap or basin that is to be filled in, and all lots with  
2675 excessive slopes, as determined by the Director of Public Works.
- 2676 12. Each lot shall contain at least 1 acre, exclusive of floodplain areas.
- 2677 13. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on  
2678 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate  
2679 floodplain as a "Variable Width Drainage & Utilities Easement."
- 2680 14. Prior to final approval of the construction plans, the developer shall furnish a letter from  
2681 Dominion Virginia Power stating that this proposed development does not conflict with its  
2682 facilities.
- 2683 15. The detailed plant list and specifications for the landscaping to be provided within the 25-  
2684 foot-wide planting strip easement along Turner Road shall be submitted to the Department  
2685 of Planning for review and approval prior to recordation of the plat.
- 2686 16. Any future building lot containing a BMP, sediment basin or trap and located within the  
2687 buildable area for a principal structure or accessory structure, may be developed with  
2688 engineered fill. All material shall be deposited and compacted in accordance with the  
2689 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a  
2690 professional engineer. A detailed engineering report shall be submitted for the review and  
2691 approval by the Building Official prior to the issuance of a building permit on the affected  
2692 lot. A copy of the report and recommendations shall be furnished to the Directors of  
2693 Planning and Public Works.
- 2694 17. No more than 50 lots may be recorded on a single point of access.

- 2695 18. The applicant shall consult with the Division of Recreation and Parks on any historical  
2696 findings as development progresses. A copy of any study identifying and protecting  
2697 historic resources which may be required by a state or federal agency through its  
2698 permitting process shall be submitted to the Department of Planning and Division of  
2699 Recreation and Parks prior to final approval of the construction plans.  
2700 19. If a geologic exploration and a geo-technical study is performed by a geo-technical firm  
2701 representing the applicant to determine if the proposed development may impact ground  
2702 water quality and quantity at Camp Holly Springs, a copy of the study and  
2703 recommendations shall be submitted to the Planning Office and the Health Department  
2704 prior to final approval of the construction plans.  
2705 20. Utility easements for future County sanitary sewer main extensions, including permanent  
2706 and construction easements, shall be shown on the final construction plans in locations  
2707 mutually acceptable to the applicant and the Director of Public Utilities. Such easements  
2708 shall be shown on the subdivision plat prior to recordation.  
2709

2710 **APPROVAL OF MINUTES: June 23, 2004, Minutes**

- 2711  
2712 Mr. Silber - We have two remaining items on the Agenda. The next would be  
2713 approval of the June 23, 2004 minutes.  
2714  
2715 Mr. Vanarsdall - Mr. Archer, have you read the minutes?  
2716  
2717 Mr. Archer - I did. They were very short. I did not note any changes on them.  
2718  
2719 Mrs. Ware- Do we have a motion for approval of the minutes?  
2720  
2721 Mr. Archer - I move for approval as written.  
2722  
2723 Mr. Jernigan - Second.  
2724  
2725 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor  
2726 say aye. All opposed say no. The minutes are approved as written.  
2727

2728 **APPROVAL OF 2005 CALENDAR**

- 2729  
2730 Mr. Silber - The remaining item on the Agenda is consideration of your 2005  
2731 Calendar. This would be the meeting dates and filing deadlines for rezoning and for plans of  
2732 development and subdivisions and landscape and lighting plans. You will note that there is no  
2733 meeting scheduled or on this proposed calendar for August of next year, 2005, being your POD  
2734 meeting. Just as I have done in the past, I have some concerns about missing that meeting or  
2735 that meeting not being scheduled, but it has been the preference of the Commission in the past  
2736 to take a meeting off in August, and that is reflected in this schedule.  
2737  
2738 We would need some type of motion to approve the calendar so we can publish this.  
2739  
2740 Mr. Vanarsdall- All right. The San Francisco Conference is March 18-23. It actually  
2741 starts on the 19<sup>th</sup>, but we always go out on the 18<sup>th</sup>. There is no conflict on that, March 10 and  
2742 March 30.  
2743  
2744 There is no conflict that I can find on Thanksgiving, because I see you moved that up.  
2745  
2746 Mr. Silber - Yes, sir.  
2747

2748 Mr. Vanarsdall - I don't understand December again, because this year, December 12 for  
2749 rezoning and December 15 for POD, so if we followed that, we could have this on December 8  
2750 and December 14. Is that a problem for you to do that, or I am just suggesting that? You don't  
2751 have to do it. I am just asking is there a problem. There must not have been, because it wasn't  
2752 for this year.  
2753  
2754 Mr. Silber - I think Mr. O'Kelly is pulling the 2005 Calendar out, but I think the  
2755 December 15 meeting follows the normal rezoning process of being the first Thursday after the  
2756 second Wednesday requirement for rezoning cases, and I think we have just scheduled the POD  
2757 meeting as soon as we can before Christmas. If you want to take a look at that, we can take a  
2758 look at that and see if that is possible.  
2759  
2760 Mr. Vanarsdall - You want to move the POD up to the 14<sup>th</sup>? No. You can't. Just move  
2761 the POD to the 8<sup>th</sup> and the rezoning to the 12<sup>th</sup>.  
2762  
2763 Mr. Jernigan - Is that legal?  
2764  
2765 Mr. Silber - Does anybody have a 2005 calendar?  
2766  
2767 Mr. Archer - Yes, I do.  
2768  
2769 Mr. Silber - Leslie has one. Thank you.  
2770  
2771 Mr. Archer - The 8<sup>th</sup> is not the second Thursday following the second Wednesday.  
2772  
2773 Mr. Silber - That is how we landed on the 15<sup>th</sup>. Mr. Vanarsdall, your concern that  
2774 the December 21 meeting is close to Christmas?  
2775  
2776 Mr. Vanarsdall - Yes. I just think, it is always good early in December, because we get  
2777 these out of the way, and I just think the 21<sup>st</sup> is too late, and last year we were in the same  
2778 thing. I think it was the 22<sup>nd</sup> or maybe the 21<sup>st</sup> and we were able to work around that, so I  
2779 couldn't understand why we couldn't this year.  
2780  
2781 Mr. Silber - Well, I think the reason the meeting in 2004 was December 9<sup>th</sup> was  
2782 because that was the first Thursday after the second Wednesday.  
2783  
2784 Mr. Vanarsdall - Well, that doesn't make any difference. If the Planning Commission  
2785 approves it, it doesn't make any difference.  
2786  
2787 Mr. Silber- That is correct. It is up to you. We can adjust and move those forward  
2788 if that is what you want.  
2789  
2790 Mr. Vanarsdall - Have you looked at the calendar? Do you have any problem with it?  
2791 Ray?  
2792  
2793 Mr. Jernigan - I am fine.  
2794  
2795 Mr. Silber - Moving it to the 8<sup>th</sup> is fine. That will be putting it closer to Thanksgiving  
2796 on that end, but that is fine.  
2797  
2798 Mr. Jernigan - But legally can you move it like that?  
2799

2800 Mr. Silber - Yes. It would just be a change to your rules and regulations, which is  
2801 not a problem.  
2802  
2803 Mr. Jernigan - It is all right with me.  
2804  
2805 Mr. Silber - OK. So we would have the rezoning meeting on December 8 and the  
2806 POD on the 14. Now, that will be back-to-back meetings. You will have a rezoning hearing on  
2807 Thursday, the 8<sup>th</sup>, and then five working days later you will have your POD meeting.  
2808  
2809  
2810 Mr. Vanarsdall - We have done that several years. I appreciate you doing that. I move  
2811 that we approve the Henrico County Planning Commission 2005 Meeting Schedule as presented  
2812 with the exception of December 15 and December 21. December 15 would be changed to  
2813 December 8 and December 21 would be changed to December 14.  
2814  
2815 Mr. Jernigan - Second.  
2816  
2817 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in  
2818 favor say aye. All opposed say no. The motion passes.  
2819  
2820 Mr. Vanarsdall - Thank you very much. Thank you, Mr. Secretary.  
2821  
2822 Mrs. Ware - I move we adjourn.  
2823  
2824 Mr. Archer - Second.  
2825  
2826 Mrs. Ware- Motion made by Mrs. Ware and seconded by Mr. Archer. All in favor say  
2827 aye. All opposed say no. The motion passes. The meeting is adjourned at 11:36 a.m.  
2828  
2829  
2830  
2831  
2832 \_\_\_\_\_  
2833 Lisa D. Ware, C.P.C., Chairperson  
2834  
2835  
2836 \_\_\_\_\_  
2837 Randall R. Silber, Secretary  
2838  
2839  
2840  
2841  
2842  
2843