

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia,  
2 held in the Board Room of the County Administration Building in the Government Center at Parham and  
3 Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, June 26, 2002.  
4

5 Members Present: Mr. Allen Taylor, P.E., C.P.C., Chairperson  
6 (Three Chopt)  
7 Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)  
8 Mr. C. W. Archer, C.P.C. (Fairfield)  
9 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
10 Mrs. Lisa D. Ware (Tuckahoe)  
11 Mr. Frank J. Thornton (Fairfield) Board of Supervisors  
12 Representative  
13

14 Others Present: Mr. John R. Marlles, AICP, Director of Planning, Secretary  
15 Mr. Randall R. Silber, Assistant Director of Planning  
16 Mr. David D. O'Kelly, Jr., Principal Planner  
17 Ms. Leslie A. News, CLA, County Planner  
18 Mr. James P. Strauss, CLA, County Planner  
19 Mr. E. J. (Ted) McGarry, III, County Planner  
20 Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner  
21 Mr. Michael F. Kennedy, County Planner  
22 Ms. Christina L. Goggin, AICP, County Planner  
23 Mr. Michael P. Cooper, County Planner  
24 Mr. Todd Eure, Assistant Traffic Engineer  
25 Ms. Diana B. Carver, Recording Secretary  
26

27 **Mr. Frank J. Thornton, the Board of Supervisors Representative, abstains on all cases unless**  
28 **otherwise noted.**  
29

30 Mr. Taylor - The Planning Commission will come to order. Good morning everyone. We have  
31 a long agenda today and I would like to begin, but before I turn the meeting over to Mr. Marlles, I just  
32 want to make a few comments on behalf of the agenda that we have today, which is almost 50 pages  
33 long, by the way. I personally want to commend the staff for all of their hard work and for everything.  
34 The few minutes we spend, they spend hours preparing these cases. I want to thank all of the developers  
35 for their efforts in working with the staff as we continually refine those cases, and next, there are a  
36 number of neighbors here today and I want to commend and thank them for their participation,  
37 comments and their input. Working together we are all a team that constantly works to improve our  
38 community, and I appreciate everybody's efforts. I want to thank everybody, and with that I will turn  
39 the meeting over to our Secretary, Mr. Marlles.  
40

41 Mr. Vanarsdall - You left one out. I want to thank Ms. Harper, I think started it, the Expedited  
42 Agenda. I want to thank everybody for that.  
43

44 Mr. Taylor - Absolutely. Were it not for the Expedited Agenda, we might be here for  
45 dinnertime. Mr. Marlles will start the meeting.  
46

47 Mr. Marlles - Thank you, Mr. Chairman. Good morning, ladies and gentlemen on the  
48 Commission. We do have a full quorum, and, of course, we can conduct business this morning. Before  
49 we get started on the agenda, I did want to introduce one of our new staff members, Jean, if you would  
50 stand up please. Mr. Chairman and members of the Commission, this is Jean Moore. Jean actually  
51 joined our staff – as our lights go off. I think they are trying to put the spotlight on you. Jean joined our

52 staff on June 20. She is filling a vacant position as Planner II in our Comprehensive Planning Division.  
53 Jean actually joins us from California. She was a planner with the City of Santa Monica, California. So,  
54 I think, this is the first time we've had a Californian on our staff, so this should be interesting. She is a  
55 graduate with a Bachelors in Science from Old Dominion University and has a Master's Degree from  
56 Virginia Commonwealth University. She does have experience with the City of Richmond and the  
57 County of Frederick. So, she is experienced in Virginia law, we are very pleased to have her and I am  
58 sure you will get to know her as you work with her in the future. Welcome to the staff, Jean.

59  
60 Ms. Jean Moore - Thank you.

61  
62 Mr. Vanarsdall - Glad to have you, Jean.

63  
64 Mr. Taylor - She might be a California girl, but looks like she has done most of her education  
65 right here in good old Virginia. Welcome. Nice to have you.

66  
67 Mr. Marles - The first item on the agenda is Request for Deferrals and Withdrawals, and I  
68 believe they will be presented by Mr. Kennedy this morning.

69  
70 Mr. Taylor - Good morning, Mr. Kennedy.

71  
72 Mr. Kennedy - Good morning, ladies and gentlemen. We have two new additions to the list for deferrals  
73 and withdrawals, I will get to them shortly. The first request is on Page 5.

74  
75 **SUBDIVISION (Deferred from the May 22, 2002, Meeting)**

76  
77 Trivett Woods **Goodfellow, Jalbert, Beard & Associates, Inc. for Salous-West**  
(May 2002 Plan) **LLC:** The 3.92 acre site is located between Telegraph Road and  
Battlefield Road south of Francis Road on parcel 785-765-6083. The  
zoning is R-2A, One-Family Residence District. County water and  
sewer. **(Fairfield) 8 Lots**

78 Mr. Kennedy - The applicant requests deferral to the July 24, 2002 meeting.

79  
80 Mr. Taylor - Is there anybody in opposition to deferring Subdivision, Trivett Woods (May  
81 2002 Plan)? No opposition.

82  
83 Mr. Archer - Mr. Chairman, I move to defer Subdivision Trivett Woods (May 2002 Plan) to the  
84 July 24, 2002 meeting at the request of the applicant.

85  
86 Mr. Vanarsdall - Second.

87  
88 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall to defer Subdivision  
89 Trivett Woods to July 24, 2002. All in favor say aye. All opposed say no. The motion passes.

90  
91 At the request of the applicant, the Planning Commission deferred Subdivision Trivett Woods, (May  
92 2002 Plan), to its July 24, 2002 meeting.

93  
94 **PLAN OF DEVELOPMENT**

95  
POD-53-02 **TIMMONS for Shady Grove United Methodist Church:** Request  
Shady Grove United for approval of a revised plan of development, as required by Chapter  
June 26, 2002

Methodist Church -  
4701 Shady Grove Road  
(POD-78-98 Revised)

24, Section 24-106 of the Henrico County Code to construct a two-story, 16,178 square foot educational building and a one-story, 6,090 square foot fellowship hall for an existing church. The 8.62 acre site is located at the southeast corner of Pouncey Tract Road (State Route 271) and Shady Grove Road on parcels 739-769-2272 and 3330. The zoning is A1, Agricultural District. County water and private sewer. **(Three Chopt)**

96

97 Mr. Kennedy - The applicant requests deferral until July 24, 2002.

98

99 Mr. Taylor - Thank you, Mr. Kennedy. Is there anybody in the audience who is opposed to the  
100 deferral of POD-53-02, Shady Grove United Methodist Church to July 24, 2002? No opposition. I will  
101 move deferral of POD-53-02 to July 24, 2002.

102

103 Mr. Vanarsdall - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall. All in favor say  
104 aye. All opposed say no. The motion passes.

105

106 At the request of the applicant, the Planning Commission deferred POD-53-02, Shady Grove United  
107 Methodist Church, 4701 Shady Grove Road (POD-78-98 Revised), to its meeting on July 24, 2002.

108

## 109 **PLAN OF DEVELOPMENT & ALTERNATIVE FENCE HEIGHT**

110

POD-51-02  
L. B. Smith Expansion –  
1345 Mountain Road  
(POD-60-95 Revised)

**Draper Aden Associates for Smith Land & Improvement Corporation:** Request for approval of a revised plan of development and alternative fence height plan, as required by Chapter 24, Sections 24-106 and 24-95(1)(6) of the Henrico County Code to expand a gravel parking area and construct a six-foot black vinyl clad chain link fence in a front yard with landscaping. The 3.96 acre site is located at 1345 Mountain Road on parcel 782-759-7585. The zoning is M-1, Light Industrial District. County water and sewer. **(Fairfield)**

111

112 Mr. Kennedy - The applicant requests deferral to July 24, 2002.

113

114 Mr. Taylor - Is there anybody in the audience who is opposed to deferral of POD-51-02 to July  
115 24, 2002? No opposition, Mr. Archer.

116

117 Mr. Archer - Mr. Chairman, I move deferral of POD-51-02 to the July 24 meeting at the  
118 applicant's request.

119

120 Mr. Vanarsdall - Second.

121

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

124

125 At the request of the applicant, the Planning Commission deferred POD-51-02, L. B. Smith Expansion –  
126 1345 Mountain Road (POD-60-95 Revised) to its meeting on July 24, 2002.

127

## 128 **SUBDIVISION**

129

Ivy Heights  
(June 2002 Plan)  
June 26, 2002

**Foster & Miller, P. C. for Valerie D. Fuller, Renee Halterman, and TWC, LLC:** The 7.63 acre site is located on the west line of N. Ivy

Avenue approximately 1000 feet north of Mae Street on parcels 825-727-2361 and 825-729-8078. The zoning is R-3, One-Family Residence District. County water and sewer. **(Varina) 18 Lots**

130  
131 Mr. Kennedy - The applicant requests deferral to July 24, 2002.  
132  
133 Mr. Taylor - Is there anybody in the audience who is opposed to deferring Ivy Heights, (June  
134 2002 Plan) to July 24, 2002? No opposition.  
135  
136 Mr. Jernigan- Mr. Chairman, I make a motion to defer Subdivision Ivy Heights to the July 24,  
137 2002 meeting at the request of the applicant.  
138  
139 Mr. Vanarsdall- Second.  
140  
141 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor say  
142 aye. All opposed say no. The motion passes.  
143

144 At the request of the applicant, the Planning Commission deferred Subdivision Ivy Heights (June 2002  
145 Plan) to its meeting on July 24,2002.  
146

147 **PLAN OF DEVELOPMENT, SPECIAL EXCEPTION & ALTERNATIVE FENCE**  
148 **HEIGHT**  
149

150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167	<p>POD-54-02 Summerdale Apartments - Newbridge Road</p> <p><b>Horton &amp; Dodd, P. C. for F. W. Properties, LLC and Summerdale, L. P.:</b> Request for approval of a plan of development, a special exception for three-story buildings, and an alternative fence height plan, as required by Chapter 24, Sections 24-106,24-116(c) and 24-95(l)(7)b of the Henrico County Code to construct 11, three-story apartment buildings, (132 units total), a one-story clubhouse, and a one-story maintenance building. The 9.659 acre site is located at 250 Newbridge Road at the intersection of Newbridge Road and Hawkes Lane on parcel 818-725-1306. The zoning is R-5, General Residence District. County water and sewer. <b>(Varina)</b></p>
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150  
151 Mr. Kennedy - The applicant requests deferral to July 24, 2002 meeting.  
152  
153 Mr. Taylor - Is there anybody in the audience in opposition to POD-54-02 to the July 24, 2002  
154 meeting? No opposition.  
155  
156 Mr. Jernigan - Mr. Chairman, I make a motion to defer POD-54-02, Summerdale Apartments, to  
157 the July 24, 2002 meeting, by request of the applicant.  
158  
159 Mr. Vanarsdall - Second.  
160  
161 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to defer POD-54-  
162 02 to the July 24, 2002 meeting. All in favor say aye. All opposed say no. The motion passes.  
163  
164 At the request of the applicant, the Planning Commission deferred POD-54-02, Summerdale Apartments  
165 – Newbridge Road, to its meeting on July 24, 2002.  
166  
167 Mr. Kennedy - That completes the requests for deferrals and withdrawals.

168  
169 Mr. Marlles - Mr. Chairman, the next item on the agenda is the Expedited Agenda. These are  
170 cases for which staff is recommending approval. There are no issues by the Planning Commission  
171 member and there is no known citizen opposition. Mr. Kennedy.

172  
173 **TRANSFER OF APPROVAL (Deferred from the May 22, 2002, Meeting)**  
174

POD-14-00 Henrico Doctors Hospital Formerly Health South Medical Center MRI Addition and Master Plan (POD-83-93 Revised) 7700 E. Parham Road	<b>Gresham Smith &amp; Partners for Henrico Doctors Hospital:</b> Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County from Health South of Virginia to Central Virginia Hospital, LLC. The 11.0 acre site is located on the north line of Parham Road, 1,100 feet east of Shrader Road on parcel 764-754-0992. The zoning is O-3, Office District. <b>(Brookland)</b>
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175  
176 Mr. Kennedy - There is a revised condition on the Addendum.

177  
178 Mr. Taylor- Is there anybody in the audience opposed to Transfer of Approval, POD-14-00,  
179 Henrico Doctors Hospital, on the Expedited Agenda? No opposition.

180  
181 Mr. Vanarsdall - I move that POD-14-00, Henrico Doctors Hospital, which used to be Health  
182 South, be approved on the Expedited Agenda as recommended by staff and on the Addendum we have  
183 Condition No. 1 in regard to a bond. We had a meeting with Mr. Strauss. The architect used to work  
184 with Mr. Strauss at Dewberry and Davis in Northern Virginia and he did a good job, along with Jim, on  
185 getting all of the deficiencies to their attention.

186  
187 Mr. Jernigan - Second.

188  
189 Mr. Taylor- Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in favor say  
190 aye. All opposed say no. The motion passes.

191  
192 The Planning Commission approved POD-14-00, Henrico Doctors Hospital, formerly Health South  
193 Medical Center MRI Addition and Master Plan, (POD-83-93 Revised), 7700 E. Parham Road subject to  
194 the following condition:

- 195  
196 1. A bond shall be posted to cover the site deficiencies, as identified in the inspection report, dated  
197 **May 10, 2002**, and shall be corrected in accordance with the report by Gresham, Smith and  
198 Partners dated, **June 20, 2002**, prior to a certificate of occupancy for the M.R.I. addition (POD-  
199 14-00).

200  
201 **TRANSFER OF APPROVAL (Deferred from the May 22, 2002, Meeting)**  
202

POD-29-94 Heilig Meyers Distribution Center – 8820 Park Central Drive	<b>Scott Traynham for Norman Seay:</b> Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from Val T. Orton Trustee, Heilig-Meyers Furniture Company to Norman Seay. The 5.990 acre site is located on the west line of Park Central Drive, approximately 1,800 feet north of Parham Road on parcel 789-760-0587. The zoning is O-SC, Office/Service District (Conditional). <b>(Fairfield)</b>
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203  
204 Mr. Kennedy - There is a revised recommendation and added condition on the Addendum.

205  
206 Mr. Taylor - Is there anybody in the audience who is opposed to Transfer of Approval for  
207 POD-29-94 in the audience? There being no opposition, Mr. Archer.

208  
209 Mr. Archer - Mr. Chairman, I move approval of POD-29-94, Heilig Meyers Distribution  
210 Center, on the Expedited Agenda, subject to the standard conditions and the Addendum Item No. 1.

211  
212 Mr. Vanarsdall - Second.

213  
214 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor say  
215 aye. All opposed say no. The motion passes.

216  
217 The Planning Commission approved Transfer of Approval for POD-29-94, Heilig Meyers Distribution  
218 Center – 8820 Park Central Drive, subject to the new owners accepting and agreeing to be responsible for  
219 continued compliance with the conditions of the original approval, and the additional condition:

- 220  
221 1. The site deficiencies, as identified in the inspection report, dated **April 23, 2002**, shall be corrected  
222 by **November 15, 2002**. Any deficiencies remaining at such time shall be corrected by the new  
223 owner.

224  
225 **LANDSCAPE PLAN**

226  
LP/POD-100-98 **TIMMONS for Wilton Family L.L.C.:** Request for approval of a  
Sherwin Williams @ landscape plan, as required by Chapter 24, Sections 24-106 and 24-  
Lauderdale Square 106.2 of the Henrico County Code. The 4.06 acre site is located at the  
southeast corner of Lauderdale Drive and Ruthers Drive on parcel 734-  
757-5648 and an offsite drainage facility is located on a 2.581 acre  
parcel at the southwest corner of Lauderdale Drive and North Gayton  
Road on parcel 734-757-3287. The zoning is B-2C, Business District  
(Conditional) and RTHC, Residential Townhouse District  
(Conditional). **(Three Chopt)**

227  
228 Mr. Taylor - Is there anybody in the audience who is opposed to the approval of Landscape  
229 Plan POD-100-98, Sherwin Williams @ Lauderdale Square on the Expedited Agenda? No opposition.  
230 Then I will move approval of LP/POD-100-98, Sherwin Williams @ Lauderdale Square, subject to the  
231 annotations on the plans and standard conditions for landscape plans.

232  
233 Mr. Jernigan - Second.

234 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan to approve LP/POD-  
235 100-98, on the Expedited Agenda. All in favor say aye. All opposed say no. The motion passes.

236  
237 The Planning Commission approved Landscape Plan LP/POD-100-98, Sherwin Williams @ Lauderdale  
238 Square, subject to the annotations on the plans and the standard conditions for landscape plans.

239  
240 **PLAN OF DEVELOPMENT, TRANSITIONAL BUFFER DEVIATION & LIGHTING**  
241 **PLAN**

242  
POD-34-02 **LandMark Design Group for Carl Hutchins:** Request for approval of a plan  
Kentucky Fried of development, transitional buffer deviation and lighting plan, as required by  
Chicken Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to  
2 in 1 construct a one-story, 3,200 square foot fast food restaurant. The 1.00 acre site

is located on the northeast corner of intersection of W. Broad Street (U. S. Route 250) and Bremono Road on parcel 771-740-3047. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

243  
244 Mr. Kennedy- The Expedited Agenda has a misprint on it. It is KFC not at Short Pump but at  
245 West Broad and Bremono Road, so the Expedited Agenda is incorrect.  
246

247 Mr. Taylor - I recognized that last night, as I realized it was not in the Three Chopt District, but  
248 there is one in the Three Chopt District. Is there anybody opposed to the approval of POD-34-02,  
249 Kentucky Fried Chick 2 in 1 in the Brookland District on the Expedited Agenda? Mr. Vanarsdall.  
250

251 Mr. Vanarsdall - There is no way anybody could be opposed to Kentucky Fried Chicken.  
252

253 Mr. Taylor - We have two of them to approve today, so let's see if that works out.  
254

255 Mr. Vanarsdall - The root beer is not bad that is going with this, too. I recommend approval of the  
256 transitional buffer deviation.  
257

258 Mr. Archer - Second.  
259

260 Mr. Taylor - We have a motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in  
261 favor say aye. All opposed say no. The motion passes.  
262

263 The Planning Commission approved the transitional buffer deviation for POD-34-02, Kentucky Fried  
264 Chicken 2 in 1.  
265

266 Mr. Taylor - Now on to the POD-34-02 on the Expedited Agenda.  
267

268 Mr. Vanarsdall - On the Addendum we have added 11B, which means the lighting plan can be  
269 approved with the plan of development. That is something new I learned from Ted McGarry, and I  
270 would like to call this Kentucky Fried Chicken 2 in 1, Bremono and Broad, so they will know where it is.  
271

272 I move that POD-34-02 be approved, subject to the standard conditions for developments of this type,  
273 and the following conditions: No. 9 Amended, No. 11B Amended, Nos. 23 through 34 and on the  
274 Addendum this morning, we have added No. 35 and 36. No. 35 pertains to the electrical boxes and 36 to  
275 stormwater.  
276

277 Mr. Taylor - I will second that motion.  
278

279 Mr. Taylor - Motion made by Mr. Vanarsdall, seconded by Mr. Taylor to approve POD-34-02,  
280 Kentucky Fried Chicken 2 in 1. All in favor say aye. All opposed say no. The motion passes.  
281

282 The Planning Commission approved POD-34-02, Kentucky Fried Chick 2 in 1, subject to the standard  
283 conditions for developments of this type and the following additional conditions:  
284

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

287 11B. Prior to the approval of an electrical permit application and installation of the site lighting  
288 equipment, a plan including light spread and intensity diagrams, and fixture specifications and  
289 mounting heights details shall be revised as annotated on the staff plan and included with the  
290 construction plans for final signature.

- 291 23. The entrances and drainage facilities on W. Broad Street (U. S. Route 250) shall be approved by  
292 the Virginia Department of Transportation and the County.
- 293 24. A notice of completion form, certifying that the requirements of the Virginia Department of  
294 Transportation entrances permit have been completed, shall be submitted to the Planning Office  
295 prior to any occupancy permits being issued.
- 296 25. The developer shall provide fire hydrants as required by the Department of Public Utilities and  
297 Division of Fire.
- 298 26. A standard concrete sidewalk shall be provided along the north side of W. Broad Street (U.S.  
299 Route 250).
- 300 27. The developer shall install an adequate restaurant ventilating and exhaust system to minimize  
301 smoke, odors, and grease vapors. The plans and specifications shall be included with the  
302 building permit application for review and approval. If, in the opinion of the County, the type  
303 system provided is not effective, the Commission retains the rights to review and direct the type  
304 of system to be used.
- 305 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
306 acceptable to the County Attorney prior to final approval of the construction plans.
- 307 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
308 approved by the County Engineer prior to final approval of the construction plans by the  
309 Department of Public Works.
- 310 30. In the event of any traffic backup which blocks the public right-of-way as a result of congestion  
311 caused by the drive-up delivery facilities, the owner/occupant shall close the drive-up delivery  
312 facilities until a solution can be designed to prevent traffic backup.
- 313 31. Insurance Services Office (ISO) calculations must be included with the plans and contracts and  
314 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 315 32. Approval of the construction plans by the Department of Public Works does not establish the  
316 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
317 will be set by Henrico County.
- 318 33. Approval of the construction plans by the Department of Public Works does not establish the  
319 curb and gutter elevations along the Virginia Department of Transportation maintained right-of-  
320 way. The elevations will be set by the contractor and approved by the Virginia Department of  
321 Transportation.
- 322 34. The building shall be constructed of red brick and the brick shall not be painted at any time.
- 323 35. The location of all existing and proposed utility and mechanical equipment (including HVAC  
324 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
325 identified on the landscape plans. All equipment shall be screened by such measures as  
326 determined appropriate by the Director of Planning or the Planning Commission at the time of  
327 plan approval.
- 328 36. An adequate outfall for storm water, in accordance with the requirements of the Department of  
329 Public Works shall be provided on the final construction plan.

330  
331 Mr. Vanarsdall - I want to thank Mr. Theobald. I don't want him to come and talk, but I want to  
332 thank him for working on the appearance of this building. It should be something that they adopt  
333 nationwide.

334  
335 Mr. Theobald - Thank you.

336  
337 Mr. Taylor - Thank you, Mr. Vanarsdall. I am going to add those same kind of comments. We  
338 must be working off the same song sheet here.

339

## 340 **PLAN OF DEVELOPMENT**

341

POD-47-02  
Herndon Townes, Section A

**Foster & Miller, P.C. for Robert G. & Brenda R. Herndon and Mountain-Woodman LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a 56-unit residential townhouse development. The 8.042 acre site is located on the northeast corner of Woodman and Mountain Roads on parcels 776-765-5797 and 776-766-2949. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Fairfield)**

342  
343 Mr. Kennedy - This is on Page 24.  
344  
345 Mr. Taylor - Is there anybody in the audience opposed to the approval of POD-47-02, Herndon  
346 Townes, Section A, on the Expedited Agenda. There is opposition?  
347  
348 Ms. Molly Archibeck-I have a question.  
349  
350 Mr. Taylor - Yes, ma'am. If you could, would you like to come down to the microphone so we  
351 can get it on the record? And if you would, when you get to the microphone, please state your name and  
352 your thoughts on opposition.  
353  
354 Ms. Archibeck - My name is Molly Archibeck. My question is, I was told when I called the  
355 Planning Commission that this would be road discussion and so forth where they are coming in. It  
356 doesn't seem to be that way. I called the Planning Commission before.  
357  
358 Mr. Vanarsdall - Who did you talk to on the Planning Commission? Which one of us did you talk  
359 to?  
360  
361 Ms. Archibeck - I have no idea. I thought it was a lady.  
362  
363 Mr. Vanarsdall- Maybe it was Mr. Archer.  
364  
365 Ms. Archibeck - He's no lady.  
366  
367 Mr. Archer - Thank you, Ms. Archibeck.  
368  
369 Ms. Archibeck - My question was the road in there now, what I want to know is if it is going to  
370 stay where it is at, come to the left, or go to the right, because if it goes to the left, it is going to be in my  
371 yard nearly.  
372  
373 Mr. Kennedy - The road will be aligned with the driveway to the Mountain Laurel Townhouses.  
374  
375 Ms. Archibeck - Straight across from them? We are sure of that, huh? All right, show me where  
376 the road across the street is (pointing to the layout plan on display). Right there? And where does this  
377 road go? This is the road? And there is an abutment in the middle here? OK. I will take his word for  
378 it, but I'll take his name and address.  
379  
380 Mr. Kennedy - I am Michael Kennedy.  
381  
382 Mr. Marlles - Are you satisfied, ma'am?  
383  
384 Ms. Archibeck - Not quite.  
June 26, 2002

385  
386 Mr. Marlles - Well, you can meet with the applicant out in the atrium and we can take this up at  
387 the end of the Expedited Agenda, if you'd like to look at it a little closer.

388  
389 Ms. Archibeck - Where is Foster and Miller?

390  
391 Mr. Marlles - Right in the back. Mr. Chairman, why don't we give the lady an opportunity to...

392  
393 Mr. Taylor - Mr. Secretary, that is a good idea. Let us go to the next case and for the moment  
394 move POD-47-02 to somewhere further down.

395  
396 Mr. Archer - I guess we can move it to the end of the Expedited Agenda.

397  
398 **PLAN OF DEVELOPMENT**

399  
POD-48-02 **Foster & Miller, P.C. for RMA/Hunton, L.C. and Hunton RTH**  
The Townes @ Hunton Park, **Development Corporation:** Request for approval of a plan of  
Section B development, as required by Chapter 24, Section 24-106 of the Henrico  
County Code to construct 80, two and three story townhouse units. The  
17.657 acre site is located on the north line of proposed Hunton Park  
Boulevard extended on part of parcel 764-774-7892. The zoning is  
RTHC, Residential Townhouse District (Conditional). County water  
and sewer. **(Brookland)**

400  
401 Mr. Kennedy - This is on Page 26.

402  
403 Mr. Taylor - Is there anyone in the audience who is opposed to POD-48-02, The Townes @  
404 Hunton Park, Section B, on the Expedited Agenda? There being no opposition, Mr. Vanarsdall.

405  
406 Mr. Vanarsdall - I move that POD-48-02, The Townes @ Hunton Park, Section B, be approved  
407 subject to the annotations on the plans, standard conditions for developments of this type, and additional  
408 conditions Nos. 23 through 34.

409  
410 Mr. Jernigan - Second.

411  
412 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in favor say  
413 aye. All opposed say no. The motion passes.

414  
415 The Planning Commission approved POD-48-02, The Townes @ Hunton Park, Section B, subject to the  
416 annotations on the plans, the standard conditions for developments of this type, and the following  
417 additional conditions:

- 418  
419 23. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the  
420 plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain must be  
421 labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to the  
422 County prior to the issuance of any occupancy permits.
- 423 24. The developer shall provide fire hydrants as required by the Department of Public Utilities and  
424 Division of Fire.
- 425 25. The proffers approved as a part of zoning case C-69C-01 shall be incorporated in this approval.
- 426 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
427 acceptable to the County Attorney prior to final approval of the construction plans.

- 428 27. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 429 approved by the County Engineer prior to final approval of the construction plans by the  
 430 Department of Public Works.
- 431 28. The pavement shall be of an SM-2A type and shall be constructed in accordance with County  
 432 standard and specifications. The developer shall post a defect bond for all pavement with the  
 433 Planning Office - the exact type, amount and implementation shall be determined by the Director  
 434 of Planning, to protect the interest of the members of the Homeowners Association. The bond  
 435 shall become effective as of the date that the Homeowners Association assumes responsibility  
 436 for the common areas.
- 437 29. Insurance Services Office (ISO) calculations must be included with the plans and contracts and  
 438 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 439 30. Approval of the construction plans by the Department of Public Works does not establish the  
 440 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
 441 will be set by Henrico County.
- 442 31. The subdivision plat for Hunton Park, Phase 2 shall be recorded before any occupancy permits  
 443 are issued.
- 444 32. Consistent with Proffer #17, revise unit break down analysis to include the number of units by  
 445 square footage, cumulative from Section A. Note that based on Sections A, B and C proposed  
 446 development, Section D shall have no less than 24 units with a minimum of 1,900 square feet.
- 447 33. Provide details of six foot salt treated shadow box fence with the construction plans.
- 448 34. Revise sheet No. 15 to show no clearing in the proffered 75-foot buffer and provide TP-2 along  
 449 the entire buffer with no lapses for existing open land.

450 **PLAN OF DEVELOPMENT**

451 POD-50-02

The Townes @ Hunton Park,  
 Section C

**Foster & Miller, P.C. for RMA/Hunton, L.C. and Hunton RTH Development Corporation:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 52, two and three story townhouse units. The 7.522 acre site is located on the north line of proposed Hunton Park Boulevard extended on part of parcel 764-774-7892. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Brookland)**

452  
 453 Mr. Taylor - Is there anyone in the audience who is opposed to POD-50-02, The Townes @  
 454 Hunton Park, Section C, being approved on the Expedited Agenda? No opposition.

455  
 456 Mr. Vanarsdall - I move that POD-50-02, The Townes @ Hunton Park, Section C, be approved on  
 457 the Expedited Agenda, subject to the annotations on the plan, the standard conditions for developments  
 458 of this type, and conditions Nos. 23 through 33.

459  
 460 Mr. Taylor - I will second that motion. Motion by Mr. Vanarsdall and seconded by Mr. Taylor.  
 461 All in favor say aye. All opposed say no. The motion passes.

462  
 463 The Planning Commission approved POD-50-02, The Townes @ Hunton Park, Section C, subject to the  
 464 annotations on the plan, the standard conditions for developments of this type and the following  
 465 additional conditions:

- 466  
 467 23. The developer shall provide fire hydrants as required by the Department of Public Utilities and  
 468 Division of Fire.
- 469 24. The proffers approved as a part of zoning case C-69C-01 shall be incorporated in this approval.

- 470 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
 471 acceptable to the County Attorney prior to final approval of the construction plans.  
 472 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 473 approved by the County Engineer prior to final approval of the construction plans by the  
 474 Department of Public Works.  
 475 27. The pavement shall be of an SM-2A type and shall be constructed in accordance with County  
 476 standard and specifications. The developer shall post a defect bond for all pavement with the  
 477 Planning Office - the exact type, amount and implementation shall be determined by the Director  
 478 of Planning, to protect the interest of the members of the Homeowners Association. The bond  
 479 shall become effective as of the date that the Homeowners Association assumes responsibility  
 480 for the common areas.  
 481 28. Insurance Services Office (ISO) calculations must be included with the plans and contracts and  
 482 must be approved by the Department of Public Utilities prior to the issuance of a building permit.  
 483 29. Approval of the construction plans by the Department of Public Works does not establish the  
 484 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
 485 will be set by Henrico County.  
 486 30. The subdivision plat for Hunton Park, Phase 2 shall be recorded before any occupancy permits  
 487 are issued.  
 488 31. Consistent with Proffer #17, revise unit break down analysis to include the number of units by  
 489 square footage, cumulative from Section A. Note that based on Sections A, B and C proposed  
 490 development, Section D shall have no less than 24 units with a minimum of 1,900 square feet.  
 491 32. Provide details of six-foot salt treated shadow box fence with the construction plans.  
 492 33. Revise sheet No. 15 to show no clearing in the proffered 75-foot buffer and provide TP-2 along  
 493 the entire buffer with no lapses for existing open land.  
 494

495 **PLAN OF DEVELOPMENT & LIGHTING PLAN**  
 496

497 498 499 500 501 502	POD-38-02 Famous Dave's at Virginia Center Commons Shopping Center (POD-92-00 Revised)	<b>Foster &amp; Miller, P.C. for North Park Peripheral Associates and          Famous Dave's of America:</b> Request for approval of a revised plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 5,362 square foot restaurant. The 1.37 acre site is located at 10073 J.E.B. Stuart Parkway on part of parcel 784-770-6724. The zoning is B-3C, Business District (Conditional). County water and sewer. <b>(Fairfield)</b>
--	--	---

503 Mr. Kennedy - On the addendum, there are additional conditions, I believe.

504 Mr. Vanarsdall- I asked somebody if they'd been to Famous Dave's to eat, and they said they'd  
 505 never heard of it.

506 Mr. Taylor - Is there anyone in the audience who opposes the approval of POD-38-02, Famous  
 507 Dave's at Virginia Center Commons Shopping Center on the Expedited Agenda? No opposition.  
 508

509 Mr. Archer - Mr. Chairman, I will move approval of POD-38-02, Famous Dave's at Virginia  
 510 Center Commons Shopping Center, subject to the standard conditions for developments of this type and  
 511 additional conditions Nos. 11B and 23 through 32.

512 Mr. Vanarsdall - Second.

512 Mr. Taylor - Motion made by Mr. Archer, seconded by Mr. Vanarsdall to approve POD-38-02,  
513 Famous Dave's at Virginia Center Commons Shopping Center on the Expedited Agenda. All in favor  
514 say aye. All opposed say no. The motion passes.  
515

516 The Planning Commission approved POD-38-02, Famous Dave's at Virginia Center Commons  
517 Shopping Center, subject to the annotations on the plans, standard conditions for developments of this  
518 type, and the following additional conditions:  
519

- 520 11B. Prior to the approval of an electrical permit application and installation of the site lighting  
521 equipment, a plan including light spread and intensity diagrams, and fixture specifications and  
522 mounting heights details shall be revised as annotated on the staff plan and included with the  
523 construction plans for final signature.
- 524 23. The developer shall provide fire hydrants as required by the Department of Public Utilities and  
525 Division of Fire.
- 526 24. The developer shall install an adequate restaurant ventilating and exhaust system to minimize  
527 smoke, odors, and grease vapors. The plans and specifications shall be included with the  
528 building permit application for review and approval. If, in the opinion of the County, the type  
529 system provided is not effective, the Commission retains the rights to review and direct the type  
530 of system to be used.
- 531 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
532 acceptable to the County Attorney prior to final approval of the construction plans.
- 533 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
534 approved by the County Engineer prior to final approval of the construction plans by the  
535 Department of Public Works.
- 536 27. In the event of any traffic backup which blocks the public right-of-way as a result of congestion  
537 caused by the drive-up delivery facilities, the owner/occupant shall close the drive-up delivery  
538 facilities until a solution can be designed to prevent traffic backup.
- 539 28. Insurance Services Office (ISO) calculations must be included with the plans and contracts and  
540 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 541 29. Approval of the construction plans by the Department of Public Works does not establish the  
542 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
543 will be set by Henrico County.
- 544 30. The location of all existing and proposed utility and mechanical equipment (including HVAC  
545 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
546 identified on the landscape plans. All equipment shall be screened by such measures as  
547 determined appropriate by the Director of Planning or the Planning Commission at the time of  
548 plan approval.
- 549 31. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning  
550 Office and approved prior to issuance of a certificate of occupancy for this development.
- 551 32. The proffers approved as a part of zoning case C-113C-88 shall be incorporated in this approval.  
552

553 **SUBDIVISION**  
554

Logan Estates  
(May 2002 Plan)

**Edwards, Kretz, Lohr & Associates for Maguire Properties,  
L.L.C.:** The 5.24 acre site is located along the south line of Church  
Road at its intersection with Oak Point Lane on parcel 741-756-4435.  
The zoning is R-2AC, One-Family Residence District (Conditional).  
County water and sewer. **(Tuckahoe) 9 Lots**

555  
556 Mr. Kennedy- On the addendum there is a revised recommendation and added condition.  
557

558 Ms. Ware- Due to some questions about the new condition on the addendum, I am going to  
559 defer this for 30 days, at the Commission's request, to the July 24, 2002 meeting.

560  
561 Mr. Vanarsdall - Second.

562  
563 Mr. Taylor - Motion made by Commissioner Ware and seconded by Mr. Vanarsdall to defer to  
564 July 24, 2002 meeting. All in favor say aye. All opposed say no. The motion passes.

565  
566 The Planning Commission deferred Subdivision, Logan Estates (May 2002 Plan) to its meeting on July  
567 24, 2002.

568  
569 **PLAN OF DEVELOPMENT**

570  
571  
572 **POD-45-02** **Youngblood, Tyler & Associates, P.C. for Wachovia Bank:** Request  
573 Wachovia Bank – for approval of a revised plan of development, as required by Chapter  
574 Glenside Branch 24, Section 24-106 of the Henrico County Code to construct an  
575 (POD-4-79 Revised) addition to an existing bank, a drive-thru canopy with stacking, and  
576 additional parking. The 1.28 acre site is located on the northwest corner  
577 of W. Broad Street (U.S. Route 250) and Emerywood Parkway on  
578 parcels 766-747-6653 and 7142. The zoning is M-1, Light Industrial  
579 District. County water and sewer. **(Three Chopt)**

571  
572 Mr. Taylor - Is there anybody in the audience who is opposed to POD-45-02, Wachovia Bank  
573 – Glenside Branch, being approved on the Expedited Agenda? No opposition. I move recommending  
574 approval subject to the annotations on the plans, the standard conditions for developments of this type  
575 and conditions Nos. 23 through 38.

576  
577 Mr. Vanarsdall - Second.

578  
579 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall to approve POD-45-  
580 02 on the Expedited Agenda. All in favor say aye. All opposed say no. The motion passes.

581  
582 The Planning Commission approved POD-45-02, Wachovia Bank – Glenside Branch (POD-4-79  
583 Revised), subject to the annotations on the plans, the standard conditions for developments of this type,  
584 and the following additional conditions:

- 585  
586 23. The easements for drainage and utilities as shown on approved plans shall be granted to the  
587 County in a form acceptable to the County Attorney prior to any occupancy permits being issued.  
588 The easement plats and any other required information shall be submitted to the County Real  
589 Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 590 24. The entrances and drainage facilities on W. Broad Street (State Route 250) shall be approved by  
591 the Virginia Department of Transportation and the County.
- 592 25. A notice of completion form, certifying that the requirements of the Virginia Department of  
593 Transportation entrances permit have been completed, shall be submitted to the Planning Office  
594 prior to any occupancy permits being issued.
- 595 26. The developer shall provide fire hydrants as required by the Department of Public Utilities and  
596 Division of Fire.
- 597 27. Employees shall be required to use the parking spaces provided at the rear of the building(s) as  
598 shown on the approved plans.
- 599 28. All repair work shall be conducted entirely within the enclosed building.
- 600 29. Outside storage shall not be permitted.

- 601 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
602 acceptable to the County Attorney prior to final approval of the construction plans.
- 603 31. Deviations from County standards for pavement, curb or curb and gutter design shall be  
604 approved by the County Engineer prior to final approval of the construction plans by the  
605 Department of Public Works.
- 606 32. In the event of any traffic backup which blocks the public right-of-way as a result of congestion  
607 caused by the drive-up teller facilities, the owner/occupant shall close the drive-up teller facilities  
608 until a solution can be designed to prevent traffic backup.
- 609 33. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.
- 610 34. Insurance Services Office (ISO) calculations must be included with the plans and contracts and  
611 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 612 35. Approval of the construction plans by the Department of Public Works does not establish the  
613 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
614 will be set by Henrico County.
- 615 36. Approval of the construction plans by the Department of Public Works does not establish the  
616 curb and gutter elevations along the Virginia Department of Transportation maintained right-of-  
617 way. The elevations will be set by the contractor and approved by the Virginia Department of  
618 Transportation.
- 619 37. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning  
620 Office and approved prior to issuance of a certificate of occupancy for this development.
- 621 38. The location of all existing and proposed utility and mechanical equipment (including HVAC  
622 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
623 identified on the landscape plans. All equipment shall be screened by such measures as  
624 determined appropriate by the Director of Planning or the Planning Commission at the time of  
625 plan approval.

626  
627  
628

**PLAN OF DEVELOPMENT**

POD-37-02 Advance Auto – Oak Hill Plaza (POD-20-90 Revised)	<b>David P. Rector, P.E. for mark Massry and Crown/Oak Hill, LLC:</b> 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, 7,000 square foot retail building in an existing shopping center. The .93 acre site is located on the east side of Mechanicsville Turnpike (U.S. Route 360) approximately 240 feet south of Harvie Road on parcel 801-732-3647. The zoning is B-3C, Business District (Conditional). County water and sewer. <b>(Fairfield)</b>
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- 629
- 630 Mr. Kennedy- In the Addendum Agenda, there is a revised architectural.
- 631
- 632 Mr. Taylor - Is there anybody in the audience who is opposed to POD-37-02, Advance Auto –  
633 Oak Hill Plaza, on the Expedited Agenda? No opposition. Mr. Archer.
- 634
- 635 Mr. Archer - OK. Do we have to do anything special with the new layout?
- 636
- 637 Mr. Kennedy - No.
- 638
- 639 Mr. Archer - All right, Mr. Chairman, I move approval of POD-37-02, Advanced Auto – Oak  
640 Hill, on the Expedited Agenda, subject to the standard conditions for developments of this type and the  
641 additional conditions Nos. 23 through 36.
- 642
- 643 Mr. Vanarsdall - Second.

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

The Planning Commission approved POD-37-02, Advance Auto – Oak Hill Plaza (POD-20-90 Revised), subject to 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 entrances and drainage facilities on Mechanicsville Turnpike (U.S. Route 360) shall be approved by the Virginia Department of Transportation and the County.
25. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
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 cases C-19C-87 and C-69C-89 shall be incorporated in this approval.
29. 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.
30. 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.
31. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of the Henrico County Code.
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. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
35. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning Office and approved prior to issuance of a certificate of occupancy for this development.
36. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.

## LANDSCAPE & LIGHTING PLAN

LP/POD-59-01  
Miller's Neighborhood  
Market @ Twin Hickory

**Purvis & Associates for Retlaw, 100 L.L.C.:** Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.6 acre site is located along the south line of Nuckols Road, approximately 250 feet west of Twin Hickory Road on part of parcel 475-772-0058. The

zoning is District B-2C, Business District (Conditional). (**Three Chopt**)

690  
691 Mr. Taylor - Is there anybody in the audience who is opposed to LP/POD-59-01, Miller's  
692 Neighborhood Market @ Twin Hickory? No opposition. I will move approval of LP/POD-59-01,  
693 subject to the annotations on the plans and standard conditions for landscape and lighting plans.  
694

695 Mr. Jernigan - Second.

696  
697 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Jernigan. All in favor say aye. All  
698 opposed say no. The motion passes.  
699

700 The Planning Commission approved LP/POD-59-01, Miller's Neighborhood Market @ Twin Hickory,  
701 subject to the annotations on the plans and the standard conditions for landscape and lighting plans.  
702

### 703 **Continuation of POD-47-02**

704  
705 Mr. Marlles - Mr. Chairman, I believe we are back on Page 24 of the Agenda. Mr. Kennedy,  
706 can you update us?  
707

708 Mr. Kennedy - On Herndon Townes, the young lady who appeared earlier is satisfied after meeting with  
709 the engineer, and we can move forward on the Expedited Agenda.  
710

711 Mr. Taylor - All right, Mr. Archer.

712  
713 Mr. Archer - I will move approval of POD-47-02, Herndon Townes, Section A, subject to the  
714 standard conditions for developments of this type and additional conditions Nos. 9 Amended and 23  
715 through 36.  
716

717 Mr. Vanarsdall - Second.

718  
719 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor say  
720 aye. All opposed say no. The motion passes.  
721

722 The Planning Commission approved POD-47-02, Herndon Townes, Section A, subject to the  
723 annotations on the plans, the standard conditions for developments of this type and the following  
724 additional conditions:  
725

- 726 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review  
727 and Planning Commission approval prior to the issuance of any occupancy permits.
- 728 23. The subdivision plat for Herndon Townes, Section A shall be recorded before any building  
729 permits are issued.
- 730 24. The right-of-way for widening of Mountain Road as shown on approved plans shall be dedicated  
731 to the County prior to any occupancy permits being issued. The right-of-way dedication plat and  
732 any other required information shall be submitted to the County Real Property Agent at least  
733 sixty (60) days prior to requesting occupancy permits.
- 734 25. The easements for drainage and utilities as shown on approved plans shall be granted to the  
735 County in a form acceptable to the County Attorney prior to any occupancy permits being issued.  
736 The easement plats and any other required information shall be submitted to the County Real  
737 Property Agent at least sixty (60) days prior to requesting occupancy permits.

- 738 26. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the  
739 plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain must be  
740 labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to the  
741 County prior to the issuance of any occupancy permits.
- 742 27. The developer shall provide fire hydrants as required by the Department of Public Utilities and  
743 Division of Fire.
- 744 28. A standard concrete sidewalk shall be provided along the south side of Mountain Road.
- 745 29. The proffers approved as a part of zoning case C-61C-01 shall be incorporated in this approval.
- 746 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
747 acceptable to the County Attorney prior to final approval of the construction plans.
- 748 31. Deviations from County standards for pavement, curb or curb and gutter design shall be  
749 approved by the County Engineer prior to final approval of the construction plans by the  
750 Department of Public Works.
- 751 32. The pavement shall be of an SM-2A type and shall be constructed in accordance with County  
752 standard and specifications. The developer shall post a defect bond for all pavement with the  
753 Planning Office - the exact type, amount and implementation shall be determined by the Director  
754 of Planning, to protect the interest of the members of the Homeowners Association. The bond  
755 shall become effective as of the date that the Homeowners Association assumes responsibility  
756 for the common areas.
- 757 33. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.
- 758 34. Insurance Services Office (ISO) calculations must be included with the plans and contracts and  
759 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 760 35. Approval of the construction plans by the Department of Public Works does not establish the  
761 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
762 will be set by Henrico County.
- 763 36. The owners shall not begin clearing of the site until the following conditions have been met:
- 764 (a) The site engineer shall conspicuously illustrate on the plan of development or subdivision  
765 construction plan and the Erosion and Sediment Control Plan, the limits of the areas to be  
766 cleared and the methods of protecting the required buffer areas. The location of utility  
767 lines, drainage structures and easements shall be shown.
- 768 (b) After the Erosion and Sediment Control Plan has been approved but prior to any clearing  
769 or grading operations of the site, the owner shall have the limits of clearing delineated  
770 with approved methods such as flagging, silt fencing or temporary fencing.
- 771 (c) The site engineer shall certify in writing to the owner that the limits of clearing have been  
772 staked in accordance with the approved plans. A copy of this letter shall be sent to the  
773 Planning Office and the Department of Public Works.
- 774 (d) The owner shall be responsible for the protection of the buffer areas and for replanting  
775 and/or supplemental planting and other necessary improvements to the buffer as may be  
776 appropriate or required to correct problems. The details shall be included on the  
777 landscape plans for approval.

778  
779 **AT THIS TIME THE COMMISSION TOOK A FIVE-MINUTE RECESS.**

780  
781 **PLAN OF DEVELOPMENT & MASTER PLAN**

782  
POD-49-02  
Belmont Park @ Twin  
Hickory, Phase II

**Youngblood, Tyler & Associates, P.C. for HHHunt Corporation:**  
Request for approval of a plan of development, as required by Chapter  
24, Section 24-106 of the Henrico County Code to construct eight  
detached condominiums and to approve a master plan as required by  
Chapter 24, Section 24-106 of the Henrico County Code to construct  
eight additional detached condominiums in the future. The 3.68 acre

site is located on the south side of Twin Hickory Road, east of the first phase of Belmont Park on parcels 745-770-0962 and 744-770-8517. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

783  
784 Mr. Marlles - This was requested to be on the Expedited Agenda and was inadvertently left off  
785 the agenda, so with the Commission's permission, we would like you to consider it on the Expedited  
786 Agenda.

787  
788 Mr. Taylor - Is that acceptable to the Commission? I will ask first if there is anyone opposed to  
789 hearing POD-49-02, Belmont Park @ Twin Hickory, Phase II, on the Expedited Agenda? Is Ms.  
790 Zuercher here? Does she want to speak? I will recommend approval of POD-49-02, Belmont Park @  
791 Twin Hickory, Phase II, subject to the annotations on the plans, standard conditions for developments of  
792 this type, and additional conditions Nos. 23 through 33.

793  
794 Mr. Vanarsdall - Second.

795  
796 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall. All in favor say  
797 aye. All opposed say no. The motion passes.

798  
799 The Planning Commission approved POD-49-02, Belmont Park @ Twin Hickory, Phase II, subject to  
800 the standard conditions for developments of this type, and the following additional conditions:

- 801  
802 23. The easements for drainage and utilities as shown on approved plans shall be granted to the  
803 County in a form acceptable to the County Attorney prior to any occupancy permits being issued.  
804 The easement plats and any other required information shall be submitted to the County Real  
805 Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 806 24. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the  
807 plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain must be  
808 labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to the  
809 County prior to the issuance of any occupancy permits.
- 810 25. A standard concrete sidewalk shall be provided along the south side of Twin Hickory Road.
- 811 26. The developer shall provide fire hydrants as required by the Department of Public Utilities and  
812 Division of Fire.
- 813 27. The proffers approved as a part of zoning case C-48C-98 shall be incorporated in this approval.
- 814 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
815 acceptable to the County Attorney prior to final approval of the construction plans.
- 816 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
817 approved by the County Engineer prior to final approval of the construction plans by the  
818 Department of Public Works.
- 819 30. The pavement shall be of an SM-2A type and shall be constructed in accordance with County  
820 standard and specifications. The developer shall post a defect bond for all pavement with the  
821 Planning Office - the exact type, amount and implementation shall be determined by the Director  
822 of Planning, to protect the interest of the members of the Homeowners Association. The bond  
823 shall become effective as of the date that the Homeowners Association assumes responsibility  
824 for the common areas.
- 825 31. Approval of the construction plans by the Department of Public Works does not establish the  
826 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
827 will be set by Henrico County.
- 828 32. Approval of the construction plans by the Department of Public Works does not establish the  
829 curb and gutter elevations along the Virginia Department of Transportation maintained right-of-

830 way. The elevations will be set by the contractor and approved by the Virginia Department of  
 831 Transportation.  
 832 33. The conceptual master plan, as submitted with this application, is for planning and information  
 833 purposes only. All subsequent detailed plans of development and construction plans needed to  
 834 implement this conceptual plan may be administratively reviewed and approved and shall be  
 835 subject to all regulations in effect at the time such subsequent plans are submitted for  
 836 review/approval.

837  
 838 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**  
 839 **(Presented by Kevin Wilhite)**

840  
 841 (FOR INFORMATIONAL PURPOSE ONLY)  
 842

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
<b>The Townes @ Hunton (May 2001 Plan) (POD-72-00)</b>	<b>Brookland</b>	<b>245</b>	<b>166</b>	<b>1</b>	<b>3 Years 6/29/05</b>
<b>Parsons Walk @ Twin Hickory (June 2001 Plan)</b>	<b>Three Chopt</b>	<b>117</b>	<b>4</b>	<b>0</b>	<b>1 Year 6/25/03</b>
<b>Westerre Parkway (June 1999 Plan)</b>	<b>Three Chopt</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1 Year 6/25/03</b>

843  
 844 Mr. Marlles - These will be presented by Mr. Kevin Wilhite, and I would add that this  
 845 information is only being presented for informational purposes only. No action on the part of the  
 846 Commission is required. Mr. Wilhite.

847  
 848 Mr. Wilhite - Thank you. Good morning. We have three subdivisions this month. All of these  
 849 are being extended administratively by the Director of Planning. The first is The Townes at Hunton  
 850 Park (May2001 Plan). This is located in the Brookland District. This is being extended for three years.  
 851 Also, we have two cases in the Three Chopt District, Parsons Walk @ Twin Hickory (June 2001 Plan)  
 852 and Westerre Parkway (June 1999 Plan), and both of these are being extended for one year. I'd be  
 853 happy to answer any questions that you may have.

854  
 855 Mr. Taylor- Any questions from the Commissioners? Thank you, Mr. Wilhite.

856  
 857 Mr. Marlles- The next case on your regular agenda is on Page 4.

858  
 859 **TRANSFER OF APPROVAL**  
 860

POD-17-98 Courtland @ Wyndham (POD-116-96 Revised)	<b>Anthony P. Renaldi, Vice President and Chief Financial Officer for Prospect Homes of Richmond, Inc.:</b> Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from C. Richard Dobson Builders, Inc. to Prospect Homes of Richmond, Inc. The 4.9 acre site is located on the west line of Wyndham Park Drive at Dominion Club Drive on parcel 740-776-1890. The zoning is RTHC, Residential Townhouse District (Conditional). <b>(Three Chopt)</b>
--	--

862 Mr. Marlles- The staff report will be presented by Mr. Michael Kennedy.  
863  
864 Mr. Kennedy - There are conditions on the agenda regarding an inspection report. At this time we  
865 haven't resolved some of the inspection issues. There is some question about drainage issues that we  
866 need some consultation with Public Works about. We will need to resolve these issues regarding  
867 transfer of approval with the applicant, so we request that we defer it to the July meeting.  
868  
869 Mr. Taylor - Is this deferral at my request or their request?  
870  
871 Mr. Kennedy - Basically it is an administrative deferral and there is no fee involved.  
872  
873 Mr. Taylor- OK. Do we need a motion for that?  
874  
875 Mr. Kennedy - Yes, we do.  
876  
877 Mr. Taylor - I will move deferral of Transfer of Approval for POD-17-98, Courtland @  
878 Wyndham, to the July 24, 2002 POD meeting.  
879  
880 Mr. Jernigan - Second.  
881  
882 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in favor say aye.  
883 All opposed say no. The motion passes.  
884  
885 The Planning Commission deferred Transfer of Approval for POD-17-98, Courtland @ Wyndham,  
886 (POD-116-96 Revised) to its meeting on July 24, 2002.  
887  
888

888 **PLAN OF DEVELOPMENT (Deferred from the April 24, 2002, Meeting)**

889

POD-95-00  
Superstar, Inc. Service  
Center – 9999 Brook Road  
(POD-3-96 Revised)

**Keith & Associates, Inc. for Superstar, Inc.:** 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 addition for four service bays, waiting room and a 1,000 square foot convenience store addition to an existing convenience store with fuel pumps. The 1.316 acre site is located at 9999 Brook Road at the southeast corner of Brook Road (U. S. Route 1) and J.E.B. Stuart Parkway on parcel 33-A-3C. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

890

891 Mr. Marlles - The staff report will be given by Mr. Ted McGarry.

892

893 Mr. Taylor - Is there anybody in opposition to POD-95-00? There is opposition. Thank you.

894

895 Mr. McGarry - Good morning, Mr. Chairman, and Commission members. A revised plan has come in to  
896 us, as of yesterday afternoon, so you will Mr. Archer need to waive the time limits on your motion. I do  
897 recommend that you use the plan in the packet as I think it is, frankly, more readable. The plan that you  
898 have received that is revised, simply added three more parking spaces and they are highlighted in  
899 yellow. This project was submitted back in October 25, 2000. That was a year and a half ago. It was  
900 submitted as a four-bay auto repair addition. Now, nine deferrals later, the project is now a larger four-  
901 bay auto repair addition, with customer waiting room, a 1,000 square foot convenience store expansion,  
902 and a reduced number of gas pumps. The original convenience store POD provided 18 parking spaces.  
903 This expansion will require 26. Twenty-six are proposed and with that revised plan, they do appear to  
904 meet the development standards for the County Code for this development.

905

906 Staff has a number of concerns. The auto repair doors would be visible from both Brook Road and the  
907 Holly Glen neighborhood. The developer seems to have found a way to maximize the site development  
908 and still meet the minimum code. Staff has not met with the Traffic Engineer on the revised plan. Staff  
909 is concerned that there may be traffic backup on this site from the gas pumps, the car wash, and the  
910 internal flow is no longer circular on site.

911

912 There is neighborhood opposition and also opposition from the Business Owners Association. I'd be  
913 happy to answer any questions. I would say that our recommendation would be to recommend approval  
914 of the convenience store addition only.

915

916 Mr. Archer - Mr. McGarry, the traffic issue. We haven't had a chance to talk to anybody about  
917 that since the plan arrived?

918

919 Mr. McGarry - I've given a copy to Mr. Eure this morning. I do not know if he has had a chance to  
920 respond.

921

922 Mr. Archer - Probably not.

923

924 Mr. McGarry - He is here at the meeting.

925

926 Mr. Vanarsdall - So you are recommending approval this morning?

927

928 Mr. McGarry - For the convenience store only, not the entire development parcel. That does not include  
929 the auto service addition or the waiting room.

930  
931 Mr. Taylor - Mr. McGarry, can the convenience store only be so segregated from the residual  
932 part of the work that we really can separate it out? Is it a neat clean....(unintelligible)  
933  
934 Mr. McGarry- The proposed addition is in an L-shape, and I believe it would be possible to  
935 segregate the two uses.  
936  
937 Mr. Taylor - Are there any questions from the Commissioners?  
938  
939 Mr. Archer- Mr. Chairman, I would like to hear from Mr. Eure, if I can, about the traffic  
940 patterns. I know he hasn't had much time to digest it, but we haven't either.  
941  
942 Mr. Eure- Good morning, Mr. Chairman, and members of the Commission, Todd Eure,  
943 Traffic Engineer.  
944  
945 Mr. Archer - Mr. Eure, Mr. McGarry mentioned in his report that he had handed you something  
946 to give us some indication of how the traffic might stack. Is that something that would meet your  
947 approval or have you really not had time to digest it.  
948  
949 Mr. Eure - We have actually seen a number of variations on the proposed addition at this site  
950 within the last year and a half, and some of what he has proposed we have not been able to accept. What  
951 he is showing here is similar to the last plans that we did formally review. Certainly, closing off the site  
952 circulation on the south end creates some concerns. It is always nice for these types of facilities to be  
953 able to circulate completely around the building, which you will no longer be able to do. At the same  
954 time, he is eliminating several of the pumps on the east side of the facility, so that makes up for it a little  
955 bit. I guess to answer your question, yes, we do have some circulation concerns about the site. Whether  
956 we can live with them or not, I think we would probably want to evaluate in more detail.  
957  
958 Mr. Archer - Thank you, sir.  
959  
960 Mr. Jernigan - Mr. McGarry, I know there is residential opposition to this, but you say also the  
961 business community is against it, too?  
962  
963 Mr. McGarry - Yes, sir. This property is regulated under restrictive covenants, and the business  
964 association entity that regulates those is here.  
965  
966 Mr. Jernigan - OK. Well, if it is restrictive covenants, we need to know what they are. I mean, in  
967 the covenants, can they or can they not have this facility?  
968  
969 Mr. McGarry - I will defer that to the representative for them, as we are not in the business of enforcing  
970 their regulations. We are with ours.  
971  
972 Mr. Taylor - There are some people who are here in opposition. Would they please raise their  
973 hand again?  
974  
975 Mr. Marlles- Mr. McGarry, do you have any additional comments or does the Commission  
976 have any additional questions?  
977  
978 Mr. Archer - I wanted to just say for Mr. Jernigan's benefit and the rest of the Commission, we  
979 have talked a bit about the restrictive covenants, and they go from the neighborhood to Virginia Center,

980 and those are really not a concern of this Commission. We don't have the authority to enforce restrictive  
981 covenants. They are more of a civil issue than something that we do.

982  
983 Mr. Jernigan - That is true. I know we can't control that, but if it said in the covenants right  
984 there that it wasn't allowed, it shouldn't even have been presented to us before it was straightened out  
985 with the...

986  
987 Mr. Archer - We agree with that and have for the last year.

988  
989 Mr. Vanarsdall - OK. We don't get into that, that is for sure.

990  
991 Mr. Jernigan - OK.

992  
993 Mr. Taylor - Are there any further questions from the Commission? May we hear from the  
994 applicant then. Thank you, Mr. McGarry. Sir, if you would, state your name for the record.

995  
996 Mr. Jeff Keith - My name is Jeff Keith, Keith and Associates. I represent the owner, Mr.  
997 Chairman and members of the Commission. We have spent considerable time with the owner and the  
998 staff of the County and the contractors to develop this plan. As far as I can see within these covenants,  
999 there is nothing that says you can't do this. There is a lot of words in there, but there is nothing that  
1000 precludes doing what we want to do here. Now, the three parking spaces and the traffic that they just  
1001 talked about, we've had Staff Developer Meetings and had traffic approval and everything on this, and  
1002 yesterday we added three parking spaces, which were actually where the grassy area is, so the three  
1003 spaces we added didn't change at all any of the traffic flow problems, which has already been addressed  
1004 in Staff Developer Meetings. We have met with the other members of the staff on drainage, and as far  
1005 as we can determine now, with this parking, we've discussed the fact that a lot of the parking which we  
1006 can't count in the County. I realize there is an Ordinance, but people come into the service station and  
1007 buy gas, leave their car there, and go in and pay for it, and buy a drink or something and go. And they  
1008 don't really need the parking space. We have a lot more than we really need, but as I understand it we'd  
1009 have to go through some kind of waiver and that sort of thing to get there, so we decided that we would  
1010 meet the requirement. I will repeat that the traffic engineers have looked at this and we had their  
1011 blessing on it, and all we have done is add the three parking spaces in a grass area, which doesn't  
1012 infringe on the driveway or traffic circulation. So, as far as I am concerned, we have met all of the  
1013 conditions of the County, and all of the ordinances, and this man would like to proceed with the project  
1014 as we have presented it. I'd like to introduce Richard Rhodes, who has worked with Harry, the owner,  
1015 for a year and a half, and he is a contractor, a former member of the Board of Supervisors up in Ashland.

1016  
1017 Mr. Rhodes - Thank you, Jeff. For the record, my name is Richard Rhodes. I am with Hanover  
1018 Custom Builders in Hanover County. I have really only been associated with Harry maybe a year or so.  
1019 Just looking at this project, we do a lot of commercial and residential construction and just looking at  
1020 convenience stores in general around the area, I feel like this project, this facility as it is, is a very clean,  
1021 well maintained facility, and it compares to most convenience stores. Now, that category has some  
1022 nuisance value in it just by itself. I mean, they sell a lot of products and, but looking at the project and  
1023 how it is maintained. I have driven around the facility, parking at the facility, bought from the facility,  
1024 and there is a lot of parking area there, a lot of driveway space, and I have never had any problem  
1025 driving around it, and I don't think it would be a problem with the building as it is proposed. This  
1026 gentleman, of course, is in business and feels like he needs this expansion to be profitable, and, of  
1027 course, I know that is not one of your main concerns, or the government's main concern, but it is  
1028 something that needs to be considered because this gentleman is not proposing this just for fun. He  
1029 spends a lot of time there and he feels like he needs this for the facility to be profitable. I think it can be  
1030 done in a manner that would be an asset to that general area, and it is an outstanding looking area. I

1031 guess I would compliment the Planning and staff and whatever. Everything that has been involved with  
1032 Virginia Center has made it a very nice area to go to. If you have any questions, I will be glad to answer  
1033 them.

1034  
1035 Mr. Taylor - Any questions from the Commission? Thank you, Mr. Rhodes.

1036  
1037 Mr. Rhodes - Thank you.

1038  
1039 Mr. Taylor - Now there were a couple of people who stated they were opposed to this project.  
1040 Would you like to come forward and speak?

1041  
1042 Mr. Andy Condlin - Mr. Chairman and members of the Commission, my name is Andy Condlin and I  
1043 have with me Caroline Browder, representing Sauer Properties, a principal owner in Virginia Center and  
1044 here also on behalf of Virginia Center Owners Association, responsible for the enforcement of the  
1045 restrictive covenants, and for the general membership of the community out there. We are not,  
1046 obviously, in the business of opposing development or opposing business. Quite frankly, we are here to  
1047 encourage good business within Virginia Center. Based on that, nor do we have any opposition with the  
1048 current operations of the facility. I certainly can't speak as to whether the existing facility has enough  
1049 economic wherewithal to survive or not and whether this is a needed expansion. However, we do  
1050 oppose the expansion as submitted to the County. I find it interesting that the list of the folks that the  
1051 developer has worked with, that being the County, his engineer, and his contractor, but he left out a  
1052 couple of important folks, the business association, and I think more importantly the surrounding  
1053 neighbors, the adjacent property owners. I am not aware of any meetings specifically arranged for them,  
1054 and I think the neighbors would be better served speaking to that as for them, nor have we had any  
1055 specific meetings with these folks, particularly with any of the revised changes. I can't speak to whether  
1056 the three parking spaces taking the place of grass impact traffic, but I can speak a little bit about the  
1057 impact of this property. This property, in particular, is at a major entrance. It is a gateway into the park.  
1058 This is a very important entrance right there at JEB Stuart and Brook Road. We would like to make it a  
1059 part of the record our opposition. First of all, while I don't believe in my reading of the restrictive  
1060 covenants this particular use is necessarily prohibited, but they do have to go through necessary  
1061 procedures, including getting approval from the architectural review committee for any changes in  
1062 plans. That has not been done. We feel it needs to be done, and the restrictive covenants read that it  
1063 needs to be done before making any application or obtaining any approval for any plans from anyone  
1064 else other than the Association. That has not been done. There has been no submission. I know that is  
1065 not something that the County has done in the past, nor is it something at this time that you could  
1066 enforce, but for the record, we wanted to make that part of our opposition. That is something that should  
1067 have been done as part of their process. And I don't think it is anything that is too much to ask that they  
1068 meet with us, as well, just as a general business association in the area.

1069  
1070 Second of all, we find the use is too intense for such a small site, and in essence what they are going  
1071 from is a convenience store with a gas station service, with accessory car wash, what they are going to is  
1072 a larger convenience store, reducing some of the gas, making the car wash part of the existing building,  
1073 making it all one facility, and adding waiting rooms and office with a dwelling, and a repair facility with  
1074 four-bays, all in one building; again, the major problem being the intensity of use, but it is also cutting  
1075 off the circulation – circular motion of the traffic, so that the traffic does not function well. What we  
1076 have is not what we believe will end up not being enough room for parking. They have eight chairs  
1077 there for the waiting room. That means, I think, that there are going to be eight people sitting and  
1078 waiting for their cars to be fixed, in addition to the car wash, the stacking bays for those going into the  
1079 repair facility as well as those using the gas and the convenience store. In addition, they share an access  
1080 with the Bank of Essex. This is not just an isolated facility. They've got a lot of things going on in this  
1081 very small site, including something we have not mentioned yet, which is truck deliveries for the gas

1082 service. I think when you take it all together that it may meet the minimum standards, but I don't  
1083 believe that they have done the minimum necessary to speak with the adjacent neighbors, to meet with  
1084 the Association, and get the necessary approvals for that, and to make it a well-functioning site. For  
1085 those purposes, we want to make it a part of the record, on behalf of Sauer Properties and the Virginia  
1086 Center Owners Association, of our opposition for action now at this time on this matter. I will be happy  
1087 to answer any questions, if you have any.  
1088

1089 Mr. Taylor - Are there any questions for Mr. Condlin from the Commission? Thank you, Mr.  
1090 Condlin. I believe there were some other people.  
1091

1092 Ms. Jane Erskine - I am Jane Erskine. I am vice-president of the Holly Glen Estates Neighborhood  
1093 Association, and I am opposed to this development. We have been opposed to it, well, we were opposed  
1094 to the gas station. That kind of slipped by us, and that was back in 1996, and this additional  
1095 development we can't see being an improvement, either to the site or to us. We don't think it is a good  
1096 use next to an R-2 District. The only time that we have met with Mr. Pradhan is April 26, 2001, and that  
1097 was a meeting that was organized by Daphne Shiflett, when the area was still owned, or when that  
1098 property was still under Virginia Center Properties, and that is the only time we talked. He was not  
1099 forthcoming at all with his uses, his architecture. We have only just recently received the plan of the site  
1100 this morning. As far as his needing to expand the site for profit, he moved into the site, he bought the  
1101 site; he knew what he was going to use the site for in 1996, and that was - our neighborhood was  
1102 already established. The whole area was already established. He knew the size of the lot that he was  
1103 buying and what he could put in there. Originally that area was B-2 zoning. It was changed to B-3  
1104 zoning simply to improve the property that the mall was going in, and we were assured at that time that  
1105 any additional PODs would be looked at carefully, so B-3 zoning didn't get too wild, especially around  
1106 the neighborhood; that they - the Planning Commission would take care of our concerns, as a result of  
1107 that B-3 zoning being so close to our neighborhood. And we are just, I don't think we've gotten enough  
1108 information about the kind of impact that this business is going to have on our neighborhood, especially  
1109 since he is putting the garage or the mechanical portion of it facing our neighborhood. He went from  
1110 doing oil changes and now he is going to do front-end work, engine work, muffler work. He says he is  
1111 going to limit the business hours, and yet he has living space that he has; it was originally office space in  
1112 the 1996 planning case, and it has been living space ever since then. So he has living space up there, and  
1113 irrespective of his business hours, somebody could be working out there 24 hours, you know, making up  
1114 lost time on cars that came in. Working in the early hours of the morning or getting up early and  
1115 working early with the garage doors open, and this is right next to our neighborhood, and we do have a  
1116 six-foot wall, masonry wall. It was constructed on Ethylwood Road to separate us from the B-3 zoning,  
1117 but during the building of this particular property, on their side, on the service station side, it is only a  
1118 four-foot wall now, because they increased the elevation of the lot to put the service station in. So, we  
1119 have a lot less there for sound barriers, and we just don't think that this is - we have not gotten enough  
1120 information. Mr. Pradhan? Has not worked with us enough on the hours. We just really don't know  
1121 what is going in there except that it sounds like it is not going to be good for us. And any questions?  
1122

1123 Mr. Taylor - Are there any questions from Ms. Erskine from the Commission? Ms. Erskine, I  
1124 have one question. You state there are people living there, residing there?  
1125

1126 Ms. Erskine - Yes, it is a two-story facility. I think Ted McGarry could tell you more about  
1127 that. It was originally supposed to be completely office on the top floor. A residence has been  
1128 maintained there since the owner moved in and started operating. So, I don't know if any parking has  
1129 been put aside, any parking areas have been put aside for the residential. I don't know if the office area  
1130 is going to increase. I think it is now down at 16% or so of that area is considered office use, and that is  
1131 how they apportioned the parking spaces for that, but if he is going to increase his business, his office

1132 use in that area might increase, and he might have more people employed there or living there. So that  
1133 would increase his parking requirements.

1134  
1135 Mr. Taylor - The other thing I believe you said is that they operate on a 24-hour a day basis on  
1136 the car repair facility.

1137  
1138 Ms. Erskine - Well, it is possible that they could. If a mechanic is living on site.

1139  
1140 Mr. Taylor - Have they been doing that?

1141  
1142 Ms. Erskine- Well, no. Not at this time. Just with the convenience store.

1143  
1144 Mr. Taylor - What time do they normally work until at night?

1145  
1146 Ms. Erskine - Well, it depends. I think up until 11:00 p.m. occasionally. It really depends on,  
1147 since it is an individually-owned facility, he can open and close at different hours, depending on what he  
1148 thinks, I guess, people are more likely to come in. So, in the summer it opens up a little bit earlier and  
1149 stays open a little bit later. So, he fudges on the hours, depending on when people come in, and in  
1150 winter, of course, people start working later. He gets a lot of construction traffic there, people that are  
1151 working on per diem or having company gas cars, or whatever, so they come in there the first thing in  
1152 the morning and the traffic, Virginia traffic is working, VDOT is working on Route 1, so they get a lot  
1153 of people coming in for that. So, it just depends on the consumer traffic as to how late he stays open.

1154  
1155 Mr. Taylor - Thank you, ma'am. Are there any other questions from the Commission? Thank  
1156 you, ma'am. Is there anybody else in the audience in opposition to POD-95-00? Is there anyone who  
1157 would like to speak relative to POD-95-00? I don't see any other further people who wish to comment,  
1158 Mr. Archer.

1159  
1160 Mr. Archer - Mr. Chairman, I would like to clarify a couple of issues if I might, before we  
1161 move on. Mr. McGarry, was there a condition regulating hours of operation for the repair service?

1162  
1163 Mr. McGarry -Not to my knowledge, because under B-3 the hours are unregulated.

1164  
1165 Mr. Archer - I didn't know if Mr. Pradhan had made some kind of concession along that line.

1166  
1167 Mr. McGarry -I haven't been given any concession or standard for hours of operation.

1168  
1169 Mr. Archer - I have looked for it and I can't find it either. That is all. I would also like to ask  
1170 Mr. Keith if he would, when we met last, which was yesterday I guess it was. I asked Mr. Pradhan how  
1171 he expected to ventilate the building, since the doors are supposed to be closed at all time when repair  
1172 work is being done. Could you explain for the benefit of the public?

1173  
1174 Mr. Keith - Well, he has an exhaust system which is very similar to any automotive repair. If  
1175 you have a closed system like that and heating in the house, you circulate these fumes and things of that  
1176 sort, so if you put an exhaust pipe cap and all the exhaust just pumps to the outside, then you have a  
1177 ventilation system that hauls air in from one place and brings it out, and, of course, this is regulated by  
1178 Code, by the building code. And, you have to have so many movements of air per minute and that sort  
1179 of thing.

1180  
1181 Mr. Archer - Now, did you also explain that that was a reason why no HVAC system could  
1182 operate in there?

1183  
1184 Mr. Keith - Yes.  
1185  
1186 Mr. Archer - Circulate in there.  
1187  
1188 Mr. Keith - Yes, so that you are not re-circulating the fumes and gasoline and things of that  
1189 sort.  
1190  
1191 Mr. Archer - OK. Thank you, sir.  
1192  
1193 Mr. Keith - Can I mention a couple of other things here?  
1194  
1195 Mr. Archer - Sure. May I ask you also, did Mr. Pradhan mention anything about hours of  
1196 operation to you?  
1197  
1198 Mr. Keith - He said at our meeting that he was going to close at the same time that, I don't  
1199 know exactly what time, but I think he is planning, and he wouldn't have any objections to closing at 5  
1200 or 6 on the automobile repair.  
1201  
1202 Mr. Archer - Well, you understand that would have to be a written condition in order for it to  
1203 be acceptable, because we can't take it at face value.  
1204  
1205 Mr. Keith - That is what he told us yesterday, but Ted doesn't seem to remember here.  
1206  
1207 Mr. Archer - I remember him mentioning it, but I was surprised...  
1208  
1209 Mr. Keith - One of the conditions here says that the car wash closes at the same time  
1210 something...  
1211  
1212 Mr. Archer - Yes, but we are specifically talking about the repair service. One of Ms.  
1213 Erskine's concerns was that they could work on cars all night long.  
1214  
1215 Mr. Keith - He has no intentions of doing that.  
1216  
1217 Mr. Archer - But it is not a condition. Thank you, sir.  
1218  
1219 Mr. Keith - OK, and we've, as I see it, for the B-3 we have met all the ordinances. There is  
1220 one on the parking, and in the Staff Developer we had actually looked at the flow of traffic, which was  
1221 blocked off, and the only difference in what we did was these three parking spaces, with parking in a  
1222 grass area, so it doesn't change the conditions that were looked at prior.  
1223  
1224 Mr. Taylor - Any other questions from the Commission? No other questions, Mr. Archer.  
1225  
1226 Mr. Archer - All right. Well, Mr. Chairman, as we all know, this case has been going on for  
1227 sometime, and I think the last deferral was the 9<sup>th</sup> one, and I recall saying at that meeting that we would  
1228 make a decision on it today one way or the other. Ms. Erskine has done a lot of work in compiling data  
1229 to give us and send to us outlining her concern for the neighborhood, and, of course, Mr. Condlin is here  
1230 representing the Virginia Center Association, and to repeat again, in an effort to be fair to both sides, we  
1231 can't hold Mr. Pradhan responsible for a lot of the activities that appear to be occurring at the store. Ms.  
1232 Erskine mentioned in her letter, for example, that individuals might buy beer at Superstar and then drive  
1233 on to Ethylwood and drink and throw the cans out the window. Perhaps they do, or perhaps they buy it

1234 somewhere else, we can't hold him responsible for that. Nobody likes it. Also, we have to take into  
1235 consideration the fact that the protective covenant, again, is not a matter for this Commission to have to  
1236 decide. It has been mentioned by Mr. Condlin that any plan changes are supposed to be brought before  
1237 the Association before anything is done, and he indicated that had not been done. Mr. McGarry has  
1238 worked very hard on this, trying to make this plan fit, and it is a very tight squeeze, and he and I have  
1239 met with the applicant a couple of times. More than a couple. I am sure he has met many more than  
1240 that, and he and I did attend a meeting. Was that last April?

1241  
1242 Mr. McGarry - April a year ago.

1243  
1244 Mr. Archer - A year and two months ago, and there was quite a lively discussion about this  
1245 proposal then, and at that time the proposal had not grown quite to the extent that it is now, and we  
1246 talked about it from all angles. Some of the people present even indicated that it didn't seem  
1247 economically feasible for Mr. Pradhan to do what he was trying to do, but again, that is not a subject for  
1248 the Commission to answer either. But there are a lot of concerns here that have not been answered. We  
1249 have got a plan that has just been given to us. And the Traffic Department is concerned that the  
1250 circulation of traffic might be impeded, and with that, I would follow the advice of staff and recommend  
1251 that we approve the convenience store portion of this only, subject to the conditions that are submitted in  
1252 the staff report.

1253  
1254 Mr. Vanarsdall - Second.

1255  
1256 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor say  
1257 aye. All opposed say no. The motion passes.

1258  
1259 The Planning Commission approved POD-95-00, Superstar, Inc. Service Center – 9999 Brook Road  
1260 (POD-3-96 Revised), the convenience store portion of this POD only, subject to the standard conditions  
1261 for developments of this type and the following additional conditions:

- 1262
- 1263 23. The developer shall provide fire hydrants as required by the Department of Public Utilities and  
1264 Division of Fire.
  - 1265 24. The proffers approved as a part of zoning case C-113C-88 shall be incorporated in this approval.
  - 1266 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
1267 acceptable to the County Attorney prior to final approval of the construction plans.
  - 1268 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1269 approved by the County Engineer prior to final approval of the construction plans by the  
1270 Department of Public Works.
  - 1271 27. Insurance Services Office (ISO) calculations must be included with the plans and contracts and  
1272 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
  - 1273 28. Approval of the construction plans by the Department of Public Works does not establish the  
1274 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
1275 will be set by Henrico County.
  - 1276 29. Approval of the construction plans by the Department of Public Works does not establish the  
1277 curb and gutter elevations along the Virginia Department of Transportation maintained right-of-  
1278 way. The elevations will be set by the contractor and approved by the Virginia Department of  
1279 Transportation.
  - 1280 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning  
1281 Office and approved prior to issuance of a certificate of occupancy for this development.
  - 1282 31. Outside storage shall not be permitted.
  - 1283 32. Refuse containers or refuse storage facilities shall be serviced only between the hours of 6:00  
1284 a.m. and 6:00 p.m.

- 1285 33. The car wash located on the property shall be closed at the close of business.  
 1286 34. The owners or manager on duty shall be responsible for temporarily closing the car wash facility  
 1287 to prevent backup of vehicles onto the public right-of-way when the on-site stacking space is  
 1288 inadequate to serve customer demand.  
 1289 35. All repair and service work shall be conducted entirely within the enclosed building, the doors of  
 1290 which shall remain closed during repair or service operations.  
 1291 36. The owner or manager on duty shall be responsible for temporarily closing the service bay  
 1292 facility to prevent vehicles being serviced from blocking access to adjacent properties.  
 1293

1294 Mr. Archer - In my disposition of the Superstar case, I forgot to waive the time limits on the  
 1295 new plan that was presented today. So, I move to waive the time limits on this plan that was presented to  
 1296 us today.  
 1297

1298 Mr. Vanarsdall - Second.  
 1299

1300 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall to waive the time  
 1301 limits on POD-95-00. All in favor say aye. All opposed say no. The motion carries.  
 1302

1303 The Planning Commission waived the time limits on plans for POD-95-00, Superstar, Inc. Service  
 1304 Center – 9999 Brook Road (POD-3-96 Revised).

1305 **SUBDIVISION & TRANSITIONAL BUFFER DEVIATION**  
 1306 **(Deferred from the May 22, 2002, Meeting)**  
 1307

Springfield Farms (April 2002 Plan)	<b>Jordan Consulting Engineers, P.C. for Attack Properties, Inc.:</b> The 23.37 acre site is located along the south line of Springfield Road, approximately 350 feet north of its intersection with Francistown Road on parcels 758-770-9205, 759-769-5799 and 759-770-3844. The zoning is R-3C, One-Family Residence District (Conditional) and C-1, Conservation District. County water and sewer. <b>(Brookland) 36 Lots</b>
--	---

1308  
 1309 Mr. Marlles - The staff report will be given by Mr. Kevin Wilhite.  
 1310

1311 Mr. Taylor - Is there any opposition to this case? No opposition. Mr. Wilhite.  
 1312

1313 Mr. Wilhite - Thank you, Mr. Chairperson. As mentioned, this was deferred from your May  
 1314 meeting and I would like to point out on Page 2 of your Addendum that there is a revised  
 1315 recommendation and revised conditions, and revised plans were also included in your packet previously.  
 1316 This is the third subdivision proposal we've actually had on this property since the property was rezoned  
 1317 in 1998.  
 1318

1319 At last month's meeting there were three issues that were yet to be resolved. The first one had to do  
 1320 with the provision of a sidewalk along Springfield Road to provide access to Echo Lake Park which is  
 1321 just adjacent to this subdivision on the west side. The second issue was the treatment of a 50-foot strip  
 1322 of land, which was proffered as a natural buffer area, and the other last remaining issue was a  
 1323 transitional buffer deviation that had been requested by the applicant. In regards to the first issue, the  
 1324 sidewalk, originally staff had requested that the applicant provide a sidewalk along Springfield Road in  
 1325 keeping with County policy being next to an adjacent County facility. In negotiation with the applicant,  
 1326 due to the existing topography and the fact that there would be no improvements made to Springfield  
 1327 Road at this time, what we have come to an agreement to do is to recommend that a sidewalk be  
 1328 constructed along Springfield only, only along the first lot, along the southern boundary of the property,  
 1329 and then it would follow Rigney Terrace, which is the interior street running through the subdivision and

1330 continue all the way to the terminus, the cul-de-sac, where there is common area located adjacent to the  
1331 park. From that point from the terminus of the sidewalk, the applicant would provide a pedestrian  
1332 pathway inside a public access easement, across the common area, to where the fence is currently  
1333 located that separates Echo Lake Park from this property and a gateway would be installed in the fence,  
1334 providing an access point to the park.

1335  
1336 As far as the buffer is concerned, the plats that we have seen previous to this, they always showed this as  
1337 a separate 50-foot strip of land adjacent to Echo Lake Park. It had been the intent previously for the  
1338 applicant to possibly deed this to the County Recreation and Parks Department by gift. At this point, the  
1339 applicant has decided to retain that strip of land. It is something that has been proffered to be a natural  
1340 50-foot buffer, and the revised plat shows it being incorporated into the lots and into the common area,  
1341 which staff can accept. There is a request, also, for a transitional buffer deviation between the property  
1342 zoned for single-family residential use and the flood plain, which is C-1 zoning. Typically, a 35-foot  
1343 transitional buffer is required. In waiving that requirement, what staff is asking them to do is provide  
1344 setbacks measured from the 50-foot buffer line as opposed to the property line with Echo Lake Park.  
1345 The applicant is agreeable to doing that, as well. So, with those changes, staff can recommend approval  
1346 of the revised plat. I would also like to point out that you do need to make a separate motion to consider  
1347 the transitional buffer deviation.

1348  
1349 Mr. Vanarsdall - Thank you, Kevin. There was no opposition, was it?

1350  
1351 Mr. Taylor - No, sir.

1352  
1353 Mr. Vanarsdall - I am ready for a motion. I don't need to talk to the applicant unless somebody  
1354 else does.

1355  
1356 Mr. Taylor - Are there any questions from the Commission of the applicant? No sir,  
1357 Commissioner Vanarsdall.

1358  
1359 Mr. Vanarsdall - We had a meeting with Kevin, Phil Parker and Bob Atack and we had a very nice  
1360 meeting, and worked things out, and since then Kevin has worked with them and really improved it. I  
1361 move approval of the transitional buffer deviation.

1362  
1363 Mr. Jernigan - Second.

1364  
1365 Mr. Taylor - Motion made by Mr. Vanarsdall to approve the transitional buffer deviation and  
1366 seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The motion passes.

1367  
1368 The Planning Commission approved the Transitional Buffer Deviation for Springfield Farms (April  
1369 2002 Plan).

1370  
1371 Mr. Vanarsdall - Now I move approval of subdivision Springfield Farms (April 2002 Plan), and  
1372 that will be with annotations on the plans, the standard conditions for subdivisions served by public  
1373 utilities, and added conditions Nos. 12, 13, 14, 15, 16 and on the Addendum today No. 17 has been  
1374 revised, as Kevin explained it, and No. 18 has been replaced with another 18.

1375  
1376 Mr. Jernigan - Second.

1377  
1378 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in favor say  
1379 aye. All opposed say no. The motion passes.

1380  
June 26, 2002 31



1423 your revised plan. Staff can find this acceptable as long as there is land left over for landscaping and/or  
1424 construction of the fence to screen this area. I've been informed by the applicant that they can  
1425 accommodate that request by staff. Also, there has been a slight change in the location of the entrance  
1426 from Dominion Boulevard. It's been moved slightly to the north to align with an existing entrance on  
1427 the east side of Dominion Boulevard into the shopping center, Lakepoint at Innsbrook. There were  
1428 about three parking spaces added between the office building and that entrance.  
1429

1430 The original plan that was submitted with the zoning case also showed a brick and iron fence along  
1431 Sadler Road and Dominion Boulevard. The applicant wishes to replace that with a 42-inch-high, black  
1432 aluminum fence. Staff has been provided the details and we do find it acceptable and can recommend  
1433 that as a part of the approval. Those changes are all modifications to the proffered site plan and it is up  
1434 to you to specifically approve those changes. There were revised architectural plans that were submitted  
1435 and included in your packet. The elevations showed a porte cochere in front of the restaurant. That was  
1436 not shown on the original architectural plans provided. We do have brick samples here if you care to see  
1437 them. The brick is slightly different in color then on the existing shopping center, but there is nothing in  
1438 the proffer conditions that require them to match the brick color specifically. This proposal is a lot more  
1439 traditional building than the exiting Autoport in Innsbrook has been constructed to.  
1440

1441 I would also like to add, that outdoor dining is provided with this, and we have been provided with the  
1442 figure of 4,380 square feet of outdoor dining on the patio and also on the second-story balcony. With  
1443 that, staff can recommend approval of the revised plan and I'll be happy to answer any question that you  
1444 may have.  
1445

1446 Mr. Taylor - Are there any other questions by the Commissioners?  
1447

1448 Mr. Marles - Mr. Wilhite, will it be necessary to waive the time limits on this one.  
1449

1450 Mr. Wilhite - No. We got these in time.  
1451

1452 Mr. Taylor - Mr. Wilhite, the color of the brick, you are now satisfied with that?  
1453

1454 Mr. Wilhite - Yes, I said it's a lot more traditional looking brick than the Autoport at Innsbrook  
1455 now uses. The architectural styles of the building are different from what's existing there now. But,  
1456 there's nothing that precludes that in the condition of the proffers.  
1457

1458 Mr. Taylor - And you are pleased with the revised elevations?  
1459

1460 Mr. Wilhite - Yes. Staff finds them acceptable.  
1461

1462 Mr. Taylor - I don't have to approve the site plans separately?  
1463

1464 Mr. Wilhite - No. That can be part of the motion. It just has to be specifically approved  
1465 according to the proffered condition.  
1466

1467 Mr. Taylor - All right. I will move approval of POD-44-02, Autoport @ Innsbrook subject to  
1468 the annotations on the plan, the site plan changes on the addendum, the standard conditions for  
1469 developments of this type, and conditions Nos. 9 and 11 amended, and Nos. 23 through 35.  
1470

1471 Mr. Vanarsdall - Second.  
1472

1473 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall. All in  
1474 favor say aye...all opposed say nay. The motion carries.

1475  
1476 The Planning Commission approved POD-44-02, Autoport @ Innsbrook Addition (River City Lifestyle  
1477 LLC) subject to the annotations on the plans, the standard conditions for developments of this type, and  
1478 the following additional conditions.

- 1479
- 1480 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review  
1481 and Planning Commission approval prior to the issuance of any occupancy permits.
  - 1482 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions  
1483 of light spread and intensity diagrams, and fixture and specifications and mounting height details  
1484 shall be submitted for Planning Office review and Planning Commission approval.
  - 1485 23. The right-of-way for widening of Sadler Road as shown on approved plans shall be dedicated to  
1486 the County prior to any occupancy permits being issued. The right-of-way dedication plat and  
1487 any other required information shall be submitted to the County Real Property Agent at least  
1488 sixty (60) days prior to requesting occupancy permits.
  - 1489 24. The easements for drainage and utilities as shown on approved plans shall be granted to the  
1490 County in a form acceptable to the County Attorney prior to any occupancy permits being issued.  
1491 The easement plats and any other required information shall be submitted to the County Real  
1492 Property Agent at least sixty (60) days prior to requesting occupancy permits.
  - 1493 25. The developer shall provide fire hydrants as required by the Department of Public Utilities and  
1494 Division of Fire.
  - 1495 26. Outside storage shall not be permitted.
  - 1496 27. The proffers approved as a part of zoning case C-42C-01 shall be incorporated in this approval.
  - 1497 28. The developer shall install an adequate restaurant ventilating and exhaust system to minimize  
1498 smoke, odors, and grease vapors. The plans and specifications shall be included with the  
1499 building permit application for review and approval. If, in the opinion of the County, the type  
1500 system provided is not effective, the Commission retains the rights to review and direct the type  
1501 of system to be used.
  - 1502 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1503 approved by the County Engineer prior to final approval of the construction plans by the  
1504 Department of Public Works.
  - 1505 30. Insurance Services Office (ISO) calculations must be included with the plans and contracts and  
1506 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
  - 1507 31. Approval of the construction plans by the Department of Public Works does not establish the  
1508 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
1509 will be set by Henrico County.
  - 1510 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning  
1511 Office and approved prior to issuance of a certificate of occupancy for this development.
  - 1512 33. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the  
1513 total site area.
  - 1514 34. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).
  - 1515 35. The location of all existing and proposed utility and mechanical equipment (including HVAC  
1516 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
1517 identified on the landscape plans. All equipment shall be screened by such measures as  
1518 determined appropriate by the Director of Planning or the Planning Commission at the time of  
1519 plan approval.

1520  
1521

1521 **SUBDIVISION**

1522

Dakota Estates  
(June 2002 Plan)

**TIMMONS for The Tetra Company, LLC:** The 11.76 acre site is located on the west line of Midview Road, approximately 400 feet south of its intersection with Darbytown Road on parcel 807-705-5743. The zoning is RTH, Residential Townhouse District. County water and sewer. **(Varina) 82 Lots**

1523

1524 Mr. Taylor - Good morning, Ms. News.

1525

1526 Ms. News - Good morning, Mr. Chairman. The plan that was just handed out is for the POD  
1527 which will follow this subdivision. A conditional subdivision for 80 lots was approved on October 2002  
1528 authorizing 80 townhouse units on this site. This revised application is for the construction of 82  
1529 townhouse lots, the maximum number permitted on a single point of access for multi-family  
1530 development. The BMP for the development has been relocated to the adjacent R-5 zoned parcel  
1531 therefore providing additional space for the new lots. The new plan is generally in conformance with  
1532 the previously approved plan and meets current ordinance requirements. Staff, therefore, recommends  
1533 approval of the June 2002 plan subject to the standard conditions for subdivisions served by public  
1534 utilities and the additional conditions listed on the agenda. I'll be happy to answer any questions, and  
1535 there is a gentleman motioning to me that he would like to speak.

1536

1537 Mr. Taylor - Are there any questions by the Commission for Ms. News?

1538

1539 Mr. Marles - Would the applicant like to speak?

1540

1541 Man from Aud. - I would like to speak to Ms. News on a landscape plan for Reflections.

1542

1543 Ms. News - That's a separate project.

1544

1545 Mr. Taylor - Is there anyone in opposition to this project. No opposition. Would the applicant  
1546 like to speak?

1547

1548 Mr. Jernigan - I don't need to hear from him, unless he wants too.

1549

1550 Mr. Taylor - Mr. Jernigan said we don't need to hear from you.

1551

1552 Mr. O'Brien - I'm happy, I have nothing to say.

1553

1554 Mr. Taylor - All right. You're happy, he's happy. Thank you very much. That was a very  
1555 brief speech.

1556

1557 Mr. Jernigan - Mr. Chairman, I'll make a motion to approve subdivision Dakota Estates subject  
1558 to the annotations on the plans, the standard conditions for subdivisions served by public utilities and the  
1559 following additional conditions, Nos. 13, 14 and the revised condition handed out a few minutes ago,  
1560 creating two lots.

1561

1562 Mr. Vanarsdall - Second.

1563

1564 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
1565 favor say aye...all opposed say nay. The motion carries.

1566

1567 The Planning Commission granted conditional approval for subdivision Dakota Estates (June 2002 Plan)  
1568 subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities  
1569 and the following additional conditions:  
1570

1571 13. The conceptual master plan, as submitted with this application, is for planning and informational  
1572 purposes only. All subsequent detailed plans of development and construction plans needed to  
1573 implement this conceptual plan require Planning Commission review and approval and shall be  
1574 subject to all regulations in effect at the time such subsequent plans are submitted for  
1575 review/approval.

1576 14. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning  
1577 Office and approved prior to final approval of the construction plans for this development.  
1578

1579 **PLAN OF DEVELOPMENT**  
1580

POD-28-02 Dakota Estates Townhouses	<b>TIMMONS for The Tetra Company and The Dakota Group, Ltd.:</b> Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 82 townhouses for sale. The 13.69 acre site is located on the west line of Midview Road approximately 400 feet south of its intersection with Darbytown Road on parcel 807-705-5743 and part of parcel 806-704-4472. The zoning is RTH, Residential Townhouse District and R-5, General Residence District. County water and sewer. ( <b>Varina</b> )
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1581  
1582 Mr. Taylor - Now for the adjoining case which is the POD for Dakota Estates Townhouses.  
1583 Ms. News.  
1584

1585 Ms. News - The revised plan that was just distributed addresses staff's comments related to  
1586 site plan issues. The plan meets minimum ordinance requirements and some of the multi-family  
1587 guidelines. The applicant has indicated that the units will have individual trash pick up, therefore there  
1588 has only been one dumpster/recycling location shown on the plan. The applicant proposes to provide a  
1589 tot lot with a gazebo and play structures to meet the recreational needs of the community. The location  
1590 of the recreational vehicle parking is not in a desirable location due to its proximity to the single-family  
1591 zoned property, but, the applicant has submitted a waiver to the Director of Planning to allow  
1592 elimination of this parking. Staff has requested additional information regarding the architectural  
1593 elevations in order to evaluate whether they meet the guidelines for provision of quality building  
1594 materials, which has not been received. Staff notes that the three-story townhouses appear to be  
1595 constructed completely of vinyl siding and the ends of the units have no architectural detailing or  
1596 windows. In summary, staff has concerns regarding the architectural quality of the buildings but can  
1597 recommend approval of the revised plan as it meets minimum ordinance requirements. Staff does have  
1598 one recommended change to condition No. 34, which was passed out with your plan, which would be  
1599 revised to require the ingress/egress and maintenance agreement to be approved prior to the final  
1600 approval of construction versus occupancy, which would also be consistent with the condition approved  
1601 with the conditional approval. I'll be happy to answer any questions.  
1602

1603 Mr. Archer - Ms. News, you indicated that some of the multi-family guidelines were met.  
1604 What specifically concerns you that is not met?

1605 Ms. News - Some of the guidelines would have to be addressed at a future date. The  
1606 guidelines relating to landscape design. We had asked for a commitment on the perimeter landscaping  
1607 and they preferred to wait until landscape plan. The subdivision was approved originally with the  
1608 setback of these units being 45 feet, the back rear setback from the property line, in some locations. It  
1609 was recommended to have a 60-foot setback against single-family for multi-family guidelines. The

1610 guidelines also recommend quality building materials and, as we mentioned before, we really didn't  
1611 have enough information to evaluate that. The lighting has not been submitted at this point. Some of  
1612 those are the main points that have not been addressed.  
1613

1614 Mr. Archer - Do you think we will be able to handle those things with relative ease, since they  
1615 haven't been addressed.  
1616

1617 Ms. News - Well, we can certainly look at it at the time of landscape plan approval for the  
1618 landscaping.  
1619

1620 Mr. Archer - We will have that opportunity?  
1621

1622 Ms. News - Yes, we can have another opportunity to see the landscape and lighting before this  
1623 Commission, if you wish.  
1624

1625 Mr. Jernigan - Ms. News, did you meet with them for the architectural plan discussion?  
1626

1627 Ms. News - I passed the concerns along about the architecture. We did not have a staff  
1628 developer meeting. The engineer and the applicant did not come to the meeting so we haven't discussed  
1629 it any further than me mentioning the comments, and I mentioned to them the concerns.  
1630

1631 Mr. Taylor - Are there any other questions for Ms. News? Is there any opposition to this case?  
1632 There is. Madam, would you come to the microphone and identify yourself. We will enjoy hearing  
1633 from you.  
1634

1635 Ms. Roberts - Good morning. I'm Judith Mays Roberts and I'm with the Varina Station  
1636 Homeowners Association. We have been here a long time, three years now. When you asked the  
1637 question about any opposition, I understand, as far as the subdivision is concerned, that piece goes  
1638 through but this is the piece that we are talking about with some of the issues. I'm not sure what our  
1639 rights are, but I do think I had to come to the microphone to have a public record of our opposition to  
1640 this plan. There are supposed to be some negotiations with the applicant about this plot of land but  
1641 that's not involved in it. So, I think that... We have said all along that we have concern about the  
1642 townhouses and we certainly are concerned about the R-5, which is not being dealt with right now. For  
1643 the public record, and for our children who will have to live with these townhouses until Jesus comes  
1644 back, we want to go on the record today saying that of course Planning can approve what's here now,  
1645 but we know that those townhouses can become rentals. So, as long as there is this piecemeal approach  
1646 to dealing with this property you will see us come from Varina Station saying that we are opposed.  
1647 Thank you.  
1648

1649 Mr. Taylor - Thank you, Ms. Roberts. Are there any questions by the Commission for Ms.  
1650 Roberts? No questions. Mr. Jernigan.  
1651

1652 Mr. Jernigan - I need to hear from the applicant.  
1653

1654 Mr. Taylor - Mr. O'Brien.  
1655

1656 Mr. O'Brien - My name is Tom O'Brien and I'm representing Dakota Associates by the Tetra  
1657 Company. We are happy to make part of the condition of approval on the architectural. First, in a  
1658 grouping of the townhomes, we have four townhomes and at least two of the facades will be brick. On  
1659 the end units they have requested some additional architectural detailing and we are going to have a  
1660 minimum of two windows that would be similar to windows that are shown on the other facades on each

1661 of the end units. In addition, some of the end units may actually have side entrance to give it additional  
1662 architectural detail, and those entrances would be the same as entrances that are currently shown on the  
1663 front elevations that have been submitted to staff. My client did want to defer and address the  
1664 landscaping and lighting as part of the landscaping and lighting, which I understand is fairly typical. I'll  
1665 be happy to answer any other questions you may have.

1666  
1667 Mr. Jernigan - Mr. O'Brien, you said on the brick now, you want to put that where?

1668  
1669 Mr. O'Brien - At least two out of every four of the façade. Most of the buildings are four units.  
1670 There will be at least two units that are a brick façade. It may end up being three in some cases. Some  
1671 of the designs necessitate a vinyl siding.

1672  
1673 Mr. Jernigan - Now, you still want to put vinyl siding on the ends of it.

1674  
1675 Mr. O'Brien - Yes, that's correct.

1676  
1677 Mr. Jernigan - They have no windows. Are you going to put in windows?

1678  
1679 Mr. O'Brien - We are telling you today that we are going to put a minimum of two windows in  
1680 each of the end sides. There is some architectural detail there, which will obviously bring light into the  
1681 units, or what have you.

1682  
1683 Mr. Jernigan - Well, that helps because when I first met Gil and he told me he built quality  
1684 projects and when I discussed with Ms. News, this was right at the minimum. To be truthful with you, I  
1685 would have liked for you to have met before we came here. The brick will help, and I discussed with  
1686 Ms. News that I thought that brick would look better on the ends because of it being so big and having  
1687 all that vinyl. Let me ask you this. How about the entrances? I know that they are built on slabs but can  
1688 we have some brick around where the entrances are. There's going to be some step up, right, maybe a  
1689 couple of rows, a couple of courses?

1690  
1691 Mr. O'Brien - Brick steps?

1692  
1693 Mr. Jernigan - Yes, something that adds a little to it. I do want to say in looking over the floor  
1694 plan, it's a nice looking floor plan.

1695  
1696 Mr. Holt - Mr. Jernigan, what we are hoping to do....

1697  
1698 Mr. Vanarsdall - Would you state your name for the record, please.

1699  
1700 Mr. Holt - Oh, I'm sorry. My name is Gil Holt and I'm with Dakota Associates and the  
1701 Tetra Company.

1702  
1703 Mr. Vanarsdall - We knew that but the recorder doesn't.

1704  
1705 Mr. Holt - I apologize. We really want to explore the opportunity of bringing in the side  
1706 entrance because what it would give the appearance from the streetscape is you would have two units set  
1707 forward and two units set back. And in achieving that, it looks like almost two-single family units. You  
1708 would have a side entrance on both the gable ends in addition to the windows which would break that  
1709 gable one. We have the same concerns that you do. Right now, what it is, with our architect, is working  
1710 though the mechanics of moving that entry to the front around to the sides and making sure the stairwell  
1711 and everything line up. That is our goal in order to achieve that. As Mr. O'Brien has share with you, we

1712 have no problem adding windows to that gable. The question I would like the Commission to consider  
1713 is when you spend the money to put the brick on the gable end, and we agree with the concern that it is a  
1714 massive area....

1715  
1716 Mr. Jernigan - Of wall.

1717  
1718 Mr. Holt - It is like a wall but you don't see it. We think that it is more important, and what I  
1719 would rather do is do a minimum of two brick fronts, and then in each case, because we will have a step  
1720 up, provide brick steps.

1721  
1722 Mr. Jernigan - Okay. That'll help. Another thing, shutters. Now, these are going to be three-  
1723 story, and I realize you have shutters on the front, as a three-story these will be exposed to Varina  
1724 Station from the back. The back of your buildings that face them, could we get some shutters up on the  
1725 back?

1726  
1727 Mr. Holt - Yes, we can agree to that.

1728  
1729 Mr. Jernigan - All right. Now, you are talking about changing the front, and that sounds good.  
1730 And like I said, Gil, I won't say.... In looking at the plans, the floor plan is a nice looking floor plan.  
1731 It's great on the inside and we had concerns on the outside. But, what I would like to do, if it's okay,  
1732 and you can do it or I can do it, is get with Ms. News and show her the new architectural that you want  
1733 to do and what I would like for you to do, either one of us, defer it for 30 days, bring it on back and we  
1734 will get everything caught up by then.

1735  
1736 Mr. Holt - We agree.

1737  
1738 Mr. Jernigan - All right.

1739  
1740 Mr. Taylor - Are you going to make that motion at the Commissioner's request or his request.

1741  
1742 Mr. Jernigan - No, I'm going to make it at his request.

1743  
1744 Mr. Taylor - Are there any questions by the Commission? No questions.

1745  
1746 Mr. Jernigan - Mr. Chairman, I would like to make a motion to defer POD-28-02 to the July 24,  
1747 2002, meeting, at the request of the applicant.

1748  
1749 Mr. Vanarsdall - Second.

1750  
1751 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
1752 favor say aye...all opposed say nay. The motion carries.

1753  
1754 At the applicant request, the Planning Commission deferred POD-28-02, Dakota Estates Townhouses, to  
1755 its July 24, 2002, meeting.

1756  
1757 **PLAN OF DEVELOPMENT**

1758  
POD-39-02  
Cost Plus World Market -  
Short Pump  
(POD-97-98 Revised)  
June 26, 2002

**TIMMONS for Jumping Horse Ranch, Inc. and Glenbrook-  
Brookriver LLC:** 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, 27,918 square foot

retail/restaurant building addition to an existing shopping center. The 9.593 acre site is located on the northwest intersection of W. Broad Street (U.S. Route 250) and Brookriver Drive on parcel 743-761-2163. The zoning is M-1C, Light Industrial District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

1759  
1760 Mr. Taylor - Is there anyone in the audience in opposition to POD-39-02, Cost Plus World  
1761 Market? No opposition. Mr. Wilhite.

1762  
1763 Mr. Wilhite - You are being handed out a revised plan. We just received this yesterday. So the  
1764 Planning Commission will have to waive the time limit on this. I would like to point out that there is a  
1765 name change on this project. Instead of Cost Plus World Market, it will be known as Cost Plus World  
1766 Market at The Shoppes at Best Buy. This is adjacent to the existing Best Buy out at Short Pump. It is  
1767 considered a shopping center along with the KFC, which is the next case that appears on your agenda.  
1768 That's the name the applicant wishes to have the development called. The Best Buy that's out there now  
1769 was approved in 1998 under a POD. Most of the site work associated with the rest of the shopping  
1770 center has been completed although, at that time, we did not have any architectural plans provided to us  
1771 for the addition on the east side of that building, and that is what is being considered with this case here.  
1772 There's a Cost Plus World Market and there are two other tenant spaces anticipated, one retail and one a  
1773 restaurant. The architectural design of this building, and the entire shopping center itself, falls within  
1774 the West Broad Street Overlay District guidelines, which require consistent architectural treatment in a  
1775 shopping center. It is also governed by the proffers of the Brookhollow zoning case. We have the  
1776 original plans that were received and it really did not meet those requirements. We have met with the  
1777 developer of Cost Plus World Market and the architect. We have seen two different renditions since we  
1778 received the original one. We met with them as well as the representative of KFC at a meeting last  
1779 week. I believe we have done quite a bit to have the architectural design of these buildings all blend  
1780 together.

1781  
1782 I would like to direct your attention to the screen. There is a photograph of the existing Best Buy  
1783 building out there at Short Pump now and below that is a rendering for the World Market, which is an  
1784 addition that will be abutting this building on the east side of it. In negotiations with the developer and  
1785 the architect, we have agreed that the dark color of the Best Buy and the cream color base will be  
1786 replicated here on the World Market building. The white band that you see on the Best Buy would be  
1787 carried around and also incorporated into the design here (referring to screen). The World Market itself,  
1788 the entrances, will have an EIFS finish to it. That color will be slightly different from what you see on  
1789 the base. I would like to point out that the original architectural plans submitted with this showed a  
1790 primarily EIFS building. They have agreed to construct the building primarily now of split-face block to  
1791 match the existing Best Buy that's out there.

1792  
1793 As I mentioned before we would have to waive the time limit to accept these architectural plans that  
1794 were just submitted to us. Most of the site plan concerns have been addressed and the applicant is in  
1795 agreement with staff's comments. With these revised architectural plans, staff is in the position to  
1796 recommend approval of the Cost Plus World Market.

1797  
1798 Mr. Taylor - Are there any questions of Mr. Wilhite from the Commission? There is no  
1799 opposition to this case, so I guess we will here from Mr. Theobald.

1800  
1801 Mr. Vanarsdall - I don't want to hear from him and there is no opposition.

1802  
1803 Mr. Taylor - I just thought he might want to say something.

1804  
1805 Mr. Theobald - I don't represent Cost Plus, but they do have representatives here, however.  
1806  
1807 Mr. Vanarsdall - He's got to do the same thing we've got to do, go to lunch.  
1808  
1809 Mr. Taylor - I speak for the collective group at Best Buy, Jim. I'm sorry, I thought you were  
1810 representing them too. Are there any questions from the Commission for Mr. Wilhite? Who is here  
1811 representing the builder, the owner? Would you like to speak, sir? Would you like to come down and  
1812 identify yourself and see if there are any questions? I don't believe there are. Are there any questions  
1813 by the Commission?  
1814  
1815 Mr. Vanarsdall - No. We don't have any questions for anybody.  
1816  
1817 Mr. Taylor - All right, if you would, just state your name and we will have it for the record,  
1818 and if you want to make any comments, you might.  
1819  
1820 Mr. Rodrigues - My name is Roger Rodrigues. I'm an engineer with TIMMONS representing the  
1821 developer.  
1822  
1823 Mr. Taylor - And you don't care to make any comments?  
1824  
1825 Mr. Rodrigues - Unless you have any questions.  
1826  
1827 Mr. Taylor - We don't have any questions, Mr. Rodrigues. I recognize the efforts that have  
1828 been made for this case. Trying to get Cost Plus to be consistent with Best Buy, and also the next case,  
1829 and I appreciate all of your hard work and all of your efforts. If there are no other questions from the  
1830 Commission, I will move approval of POD....  
1831  
1832 Mr. Marlles - Mr. Chairman, you have to waive the time limit first.  
1833  
1834 Mr. Taylor - Okay. I will move to waive the time limits on the revised elevations.  
1835  
1836 Mr. Archer - Second.  
1837  
1838 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Archer to waive the  
1839 time limits on the elevation. All in favor say aye...all opposed say nay. There being no opposition, the  
1840 time limits are waived.  
1841  
1842 The Planning Commission waive the time limits for POD-39-02, Cost Plus World Market at The  
1843 Shoppes at Best Buy (POD-97-98 Revised)  
1844  
1845 Mr. Taylor - With regard to the basic approval, I will move approval of POD-39-02, Cost Plus  
1846 World Market at The Shoppes at Best Buy, subject to the standard conditions for developments of this  
1847 type, the annotations on the plans and additional conditions Nos. 9 and 11 amended and Nos. 23 through  
1848 33.  
1849  
1850 Mr. Jernigan - Second.  
1851  
1852 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Jernigan. All in favor  
1853 say aye...all opposed say nay. The motion carries.  
1854

1855 The Planning Commission approved POD-39-02, Cost Plus World Market at The Shoppes at Best Buy,  
1856 subject to the standard conditions for developments of this type, the annotations on the plan and the  
1857 following additional conditions:  
1858

- 1859 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review  
1860 and Planning Commission approval prior to the issuance of any occupancy permits.
- 1861 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions  
1862 of light spread and intensity diagrams, and fixture and specifications and mounting height details  
1863 shall be submitted for Planning Office review and Planning Commission approval.
- 1864 23. The easements for drainage and utilities as shown on approved plans shall be granted to the  
1865 County in a form acceptable to the County Attorney prior to any occupancy permits being issued.  
1866 The easement plats and any other required information shall be submitted to the County Real  
1867 Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 1868 24. The developer shall provide fire hydrants as required by the Department of Public Utilities and  
1869 Division of Fire.
- 1870 25. A standard concrete sidewalk shall be provided along the west side of W. Broad Street (U.S.  
1871 Route 250) to the first Brookriver Drive entrance.
- 1872 26. Outside storage shall not be permitted.
- 1873 27. The proffers approved as a part of zoning cases C-4C-96 and C-74C-94 shall be incorporated in  
1874 this approval.
- 1875 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1876 approved by the County Engineer prior to final approval of the construction plans by the  
1877 Department of Public Works.
- 1878 29. Insurance Services Office (ISO) calculations must be included with the plans and contracts and  
1879 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 1880 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning  
1881 Office and approved prior to issuance of a certificate of occupancy for this development.
- 1882 31. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the  
1883 total site area.
- 1884 32. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).
- 1885 33. The location of all existing and proposed utility and mechanical equipment (including HVAC  
1886 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
1887 identified on the landscape plans. All equipment shall be screened by such measures as  
1888 determined appropriate by the Director of Planning or the Planning Commission at the time of  
1889 plan approval.  
1890  
1891

## 1892 **PLAN OF DEVELOPMENT & SITE LIGHTING PLAN**

1893

POD-35-02  
Kentucky Fried Chicken/  
2 in 1 – ~~Short Pump~~  
at The Shoppes at Best Buy

**LandMark Design Group for Jumping Horse Ranch, Inc. and Tricon Global Restaurants, Inc.:** Request for approval of a plan of development and site lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 3,200 square foot fast food restaurant with drive-thru facilities in an existing shopping center. The 0.82 acre site is located at the northwest corner of W. Broad Street (U. S. Route 250) and Brookriver Drive on part of parcel 743-761-2163. The zoning is M-1C, Light Industrial District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

1894

1895 Mr. Taylor - Is there anyone in the audience in opposition to POD-35-02, Kentucky Fried  
1896 Chicken 2 in 1? No opposition.

1897  
1898 Mr. Wilhite - Once again, Mr. Chairperson, this is a part of the same development to be known  
1899 as The Shoppes at Best Buy. This is the one out parcel that was shown on the original plan. The issues  
1900 remaining were the same. We had to deal with the architectural design of the building trying to get it to  
1901 meet the West Broad Street Overlay District guidelines and the proffers of the Brookhollow zoning case.  
1902 As I mentioned before, we did meet with KFC, twice now, and most recently, last Thursday in a joint  
1903 meeting with the Cost Plus World Market. We do have a revised colored rendering to provide to you.  
1904 Once again Best Buy is at the top and the proposed KFC at the bottom. KFC has agreed to provide a  
1905 split-face block building on all sides. The color is to match the main building at Best Buy with the  
1906 banding that runs around the top half of the building. The one issue that had remained was the color of  
1907 the flanking EIFS architectural features on the each side of the entrances. In discussions this morning,  
1908 the KFC people met with Cost Plus World Market and they have agreed that they would use an EIFS  
1909 color compatible on both the Cost Plus World Market and the KFC building. With that change, in mind,  
1910 staff is in the position to recommend approval of this plan. I would like to point out that on the site plan  
1911 that they have agreed to move the dumpster from the location adjacent to the front and the side of the  
1912 building, back to the corner further away from W. Broad Street as staff has suggested. There is a  
1913 lighting plan attached to this and the people from KFC are agreeable to using the same type of fixtures  
1914 as already existing in the parking lot at Best Buy or as nearly as close as possible if they can't obtain that  
1915 specific fixture. With that, staff can recommend approval to the revised architectural plans, site plan and  
1916 lighting plan.

1917  
1918 Mr. Taylor - Thank you, Mr. Wilhite. Would the applicant care to make any comments?  
1919

1920 Mr. ? - I want to thank everyone who was involved and all of there help.  
1921

1922 Mr. Taylor - It has been a significant effort. I do want to, for the record, state that Mr.  
1923 Kaechele and I have talked about this with representatives of both, this particular case and the previous  
1924 case, to urge them and have them assure that the elevation materials and the elevation colors will be in  
1925 some consistent harmony. So, that between the Best Buy and the expanded Best Buy and Cost Plus and  
1926 KFC there is some consistency with regard to the type of materials used in the elevation and also the  
1927 colors. The other thing, I would like to ask a question of Mr. Wilhite. I know the landscaping plan has  
1928 yet to be developed. On this particular site, this is a very large, flat, monolith, black top, featureless  
1929 parking area. There are some traffic islands in there now. I do want to mention that I have looked at  
1930 some examples of a type of landscaping island instead of being low and flat have some elevation to it. It  
1931 might be a foot or two of extra fill and then have some plants on top of that. So, we give the impression,  
1932 if you will of height with the landscaping plan. And, I would ask both of the applicants to consider this  
1933 and also the staff as we proceed to the landscaping part of the plan. Are there any other questions by the  
1934 Commission? Then, I will move approval of POD-35-02, Kentucky Fried Chicken at The Shoppes at  
1935 Best Buy, subject to the standard conditions for developments of this type, additional conditions No. 9  
1936 amended No. 11B and additional conditions Nos. 23 through 33 and the annotations on the plan.

1937  
1938 Mr. Jernigan - Second.  
1939

1940 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Jernigan. All in favor  
1941 say aye...all opposed say nay. The motion carries.  
1942

1943 The Planning Commission approved POD-35-02, Kentucky Fried Chicken 2 in 1 at The Shoppes at Best  
1944 Buy, subject to the standard conditions for developments of this type, the annotations on the plan and the  
1945 following additional conditions:

- 1946  
1947 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review  
1948 and Planning Commission approval prior to the issuance of any occupancy permits.  
1949 11B. Prior to the approval of an electrical permit application and installation of the site lighting  
1950 equipment, a plan including light spread and intensity diagrams, and fixture specifications and  
1951 mounting heights details shall be revised as annotated on the staff plan and included with the  
1952 construction plans for final signature.  
1953 23. The easements for drainage and utilities as shown on approved plans shall be granted to the  
1954 County in a form acceptable to the County Attorney prior to any occupancy permits being issued.  
1955 The easement plats and any other required information shall be submitted to the County Real  
1956 Property Agent at least sixty (60) days prior to requesting occupancy permits.  
1957 24. The developer shall provide fire hydrants as required by the Department of Public Utilities and  
1958 Division of Fire.  
1959 25. A standard concrete sidewalk shall be provided along the west side of Brookriver Drive.  
1960 26. Outside storage shall not be permitted.  
1961 27. The proffers approved as a part of zoning cases C-4C-96 and C-74C-94 shall be incorporated in  
1962 this approval.  
1963 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1964 approved by the County Engineer prior to final approval of the construction plans by the  
1965 Department of Public Works.  
1966 29. Insurance Services Office (ISO) calculations must be included with the plans and contracts and  
1967 must be approved by the Department of Public Utilities prior to the issuance of a building permit.  
1968 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the Planning  
1969 Office and approved prior to issuance of a certificate of occupancy for this development.  
1970 31. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the  
1971 total site area.  
1972 32. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).  
1973 33. The location of all existing and proposed utility and mechanical equipment (including HVAC  
1974 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
1975 identified on the landscape plans. All equipment shall be screened by such measures as  
1976 determined appropriate by the Director of Planning or the Planning Commission at the time of  
1977 plan approval.  
1978

1979 **PLAN OF DEVELOPMENT**  
1980

<p>POD-46-02 Old Staples Mill Road Mini Storage – 9001 Old Staples Mill Road</p>	<p><b>Balzer &amp; Associates, Inc. for Patricia L. Morris and Michael D Sifen Inc.:</b> Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct four, one-story mini-storage buildings and one, two-story office/apartment building, totaling 94,651 square feet. The 5.42 acre site is located on Old Staples Mill Road approximately 400 feet east of Staples Mill Road (State Route 33) on parcel 770-756-2492. The zoning is M-1C, Light Industrial District (Conditional). County water and septic tank/drainfield. <b>(Brookland)</b></p>
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1981  
1982 Mr. Taylor - Is there anyone in the audience in opposition to POD-46-02, Old Staples Mill  
1983 Road Mini Storage? No opposition. Good morning, Mr. Cooper.  
1984

1985 Mr. Cooper - Good morning, Mr. Chairman, members of the Commission. You received a  
1986 revised plan for this site in a package the other day. As you know, this is to construct four, one-story,  
1987 buildings containing mini storage units and then one, two-story building the first floor being an office,

1988 the second floor being an apartment building for the living quarters for the full-time manager on duty.  
1989 As you may recall, this case was rezoned on May 21, 2002. The plan that was submitted does match the  
1990 plan that was approved with the rezoning case and all of the proffered conditions have been met at this  
1991 time. Some of the conditions will not be met until the construction continues, particularly, one  
1992 pertaining to parking of trucks at the top of facility outside of the gates. There were two concerns one  
1993 being a Health Department concern. The site purposes using a septic drainfield. There was concern  
1994 because there is an existing house and well on the site, which are to be abandoned and demolished.  
1995 However, State septic drainfield regulations require that a minimum of 100 feet be provided between  
1996 any well, even property abandoned, and a drainfield. What is proposed to be the drainfield, which  
1997 would be located, if you look on your monitor, approximately in this vicinity, right here (referring to  
1998 screen), would put it approximately 65 feet from the well. However, variances can be requested for a  
1999 waiver up to 50 feet if the well is properly abandoned. And in doing so, the engineer and applicant have  
2000 agreed to do that. We have also provided a condition for that. I believe its condition No. 33 on the  
2001 addendum that will require the applicant to provide sufficient evidence that the Health Department and  
2002 the State have approved the location of their drainfield.

2003  
2004 Additionally, a second concern was the impact of pavement in the transitional buffer area. There's a 50-  
2005 foot transitional buffer along Old Staples Mill Road. The original plan showed an excessive amount of  
2006 drive isle located in that transitional buffer. The applicant has worked to remove some of that and that is  
2007 reflected in your revised plan. However, there is still some encroachment into the transitional buffer.  
2008 However, staff feels they can provide an area equivalent to that 50-foot transitional buffer in front of the  
2009 buildings along Old Staples Mill Road. Again, we have provided a condition to hold the applicant to  
2010 that. With that, staff can recommend approval of this plan at this time. I'll be happy to answer any  
2011 questions.

2012  
2013 Mr. Vanarsdall - Did you take care of everything we discussed?  
2014

2015 Mr. Cooper - Yes, sir. We have talked with the applicant and they are willing to provide the  
2016 landscaping necessary along the front of that road.  
2017

2018 Mr. Vanarsdall - Very good.  
2019

2020 Mr. Jernigan - Mr. Cooper, as we were discussing BMPs yesterday, being that this is under 10  
2021 acres, is this BMP going to require a filter system?  
2022

2023 Mr. Cooper - No, actually, and I can't fully speak to that because unfortunately there's nobody  
2024 here from Public Works to speak to that. But, I believe its just being used as a basin and then they have  
2025 another system underneath with, I guess, a regular oversized piping underneath. But, I can't speak for  
2026 sure to that, but I know it did have approval from Public Works.  
2027

2028 Mr. Jernigan - The reason I'm asking is a citizen in my district wants to do something similar to  
2029 this. So, I'm just trying to find out what he's going to face on a BMP.  
2030

2031 Mr. Taylor - Are there any other questions by the Commission?  
2032

2033 Mr. Vanarsdall - I don't have any. Are you ready for a motion?  
2034

2035 Mr. Taylor - Yes, sir.  
2036

2037 Mr. Vanarsdall - I move POD-46-02, Old Staples Mill Road Mini Storage, be approved with the  
2038 annotations on the plan, the standard conditions for developments of this type, and on the addendum  
2039 additional conditions Nos. 23 through 37.  
2040

2041 Mr. Taylor - Second.  
2042

2043 Mr. Taylor - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor. All in  
2044 favor say aye...all opposed say nay. The motion carries.  
2045

2046 The Planning Commission approved POD-46-02, Old Staples Mill Road Mini Storage – 9001 Old  
2047 Staples Mill Road, subject to the standard conditions for developments of this type, the annotations on  
2048 the plans and the following additional conditions”  
2049

- 2050 23. The right-of-way for widening of Old Staples Mill Road as shown on approved plans shall be  
2051 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
2052 dedication plat and any other required information shall be submitted to the County Real  
2053 Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 2054 24. The easements for drainage and utilities as shown on approved plans shall be granted to the  
2055 County in a form acceptable to the County Attorney prior to any occupancy permits being issued.  
2056 The easement plats and any other required information shall be submitted to the County Real  
2057 Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 2058 25. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the  
2059 plan “Limits of 100 Year Floodplain.” In addition, the delineated 100-year floodplain must be  
2060 labeled “Variable Width Drainage and Utility Easement.” The easement shall be granted to the  
2061 County prior to the issuance of any occupancy permits.
- 2062 26. The required building setback shall be measured from the proposed right-of-way line and the  
2063 parking shall be located behind the proposed right-of-way line.
- 2064 27. The developer shall provide fire hydrants as required by the Department of Public Utilities and  
2065 Division of Fire.
- 2066 28. Outside storage shall not be permitted.
- 2067 29. The proffers approved as a part of zoning case C-59C-01 shall be incorporated in this approval.
- 2068 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form  
2069 acceptable to the County Attorney prior to final approval of the construction plans.
- 2070 31. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2071 approved by the County Engineer prior to final approval of the construction plans by the  
2072 Department of Public Works.
- 2073 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.
- 2074 33. The applicant shall furnish proof to the Planning Office that conditions satisfactory to the Health  
2075 Department have been met that insure the proposed septic tank drainfield system is suitable for  
2076 this project prior to the issuance of a building permit.
- 2077 34. Insurance Services Office (ISO) calculations must be included with the plans and contracts and  
2078 must be approved by the Department of Public Utilities prior to the issuance of a building permit.
- 2079 35. Approval of the construction plans by the Department of Public Works does not establish the  
2080 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations  
2081 will be set by Henrico County.
- 2082 36. The location of all existing and proposed utility and mechanical equipment (including HVAC  
2083 units, electric meters, junction and accessory boxes, transformers, and generators) shall be  
2084 identified on the landscape plans. All equipment shall be screened by such measures as  
2085 determined appropriate by the Director of Planning or the Planning Commission at the time of  
2086 plan approval.

2087 37. A transitional buffer deviation request shall be submitted to the Director of Planning for approval  
2088 prior to signature of the construction plans. The deviation shall provide a landscape area  
2089 equivalent to the 50-foot transitional buffer in front of the buildings along Old Staples Mill Road.  
2090

2091 **LANDSCAPE PLAN**

2092 LP/POD-15-01 **Horton & Dodd, P. C. for HC One LP:** Request for approval of a  
Henrico Senior Living – landscape plan, as required by Chapter 24, Sections 24-106 and 24-  
Reflections – Gay Avenue 106.2 of the Henrico County Code. The 14.01 acre site is located on  
the south line of Gay Avenue approximately 750 feet west of  
Laburnum Avenue on parcels 813-717-2321 and 813-716-0660. The  
zoning is R-5C, General Residence District (Conditional), C-1,  
Conservation District and ASO, (Airport Safety Overlay) District.  
**(Varina)**

2093  
2094 Mr. Taylor - Is there anyone in the audience in opposition to LP/POD-15-01, Henrico Senior  
2095 Living – Reflections? No opposition. Ms. News.

2096  
2097 Ms. News - The staff was about to hand out a revised annotated plan, which met all of our  
2098 requests and concerns and could recommend approval. However, the owner of the property has now  
2099 asked that the project be deferred so he can have additional time to review these plans and make some  
2100 changes. So, he is requesting a deferral at this time.

2101  
2102 Mr. Taylor - Does he want to defer it to the next meeting?

2103  
2104 Ms. News - Yes, sir.

2105  
2106 Mr. Jernigan - Mr. Chairman, I would like to make a motion to defer landscape plan LP/POD-  
2107 15-01, Reflections on Gay Avenue, to the July 24, 2002, agenda, by request of the applicant.

2108  
2109 Mr. Vanarsdall - Second.

2110  
2111 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
2112 favor say aye...all opposed say nay. The motion carries.

2113  
2114 At the applicant request, the Planning Commission deferred the landscape plan for LP/POD-15-01,  
2115 Henrico Senior Living – Reflections – Gay Avenue, to its July 24, 2002, meeting.

2116  
2117 Mr. Marlles - Mr. Chairman, the next item on the agenda is the minutes for the May 22, 2002,  
2118 meeting.

2119  
2120 **APPROVAL OF MINUTES: May 22, 2002 Minutes**

2121  
2122 Mr. Vanarsdall - I have a correction. On page two, line 62. And I'm glad she's sitting in the  
2123 audience. We introduced Ms. Regina Hill where it should have been Ms. Regina Chandler. That just  
2124 shows that Ms. Hill made an impression on everyone. And then on page four, line 147, it reads "I have  
2125 always been in favor of sidewalks but they want to know where they..." It should read "I" want to  
2126 know where they start. So, instead of "they" put "I." That's all of the minute changes that I have today.

2127  
2128 Mr. Taylor - Are there any other changes of the minutes? Okay, with those changes, is there a  
2129 motion to approve the minutes?

2130  
2131 Mr. Archer - I move for approval, Mr. Chairman.  
2132  
2133 Mr. Vanarsdall - And I second.  
2134  
2135 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall to approve  
2136 the minutes of our meeting. All in favor say aye...all opposed say nay. The motion carries.  
2137  
2138 The Planning Commission approved the May 22, 2002, minutes with the changes.  
2139

2139 **DISCUSSION ON SHORT PUMP CROSSING ARCHITECTURAL PLANS**

2140

2141 Mr. Vanarsdall - Now we have something weird that I don't understand, Architectural Plans for  
2142 Short Pump Crossing. Is this something we have to approve jointly?

2143

2144 Mr. Wilhite - Yes, it is and it is a last minute addition to your agenda. This reflects some  
2145 ongoing work with the tenants scheduled to move in at the beginning of next month. So, we need to try  
2146 and handle this in an expedited manner.

2147

2148 Basically, these are revised architectural plans for POD-20-96, Short Pump Crossing Shopping Center,  
2149 Phase II. This involves the old tenant space where Pleasants Hardware used to be located. Currently,  
2150 the space is being renovated to have Staples and also Stein Mart move in and share this whole space.  
2151 This was a plan that was handled administratively. There is an approved administrative site plan change  
2152 to it. However, in looking at the proffers of the zoning case changes to the exterior appearance of the  
2153 building require specific Planning Commission approval for anything that is not done in reddish brick.  
2154 A lot of this is already existing. This was a combination of brick EIFS front façade treatment, which was  
2155 approved with the original POD. It's the feeling of staff that some of the changes being proposed by  
2156 Staples do not follow the original treatment and specific Planning Commission approval is necessary. In  
2157 specific, Staples is proposing a white letter sign with a red panel background located both on the front of  
2158 the building and on the side of the building facing W. Broad Street. There is also some additional work  
2159 with the EIFS treatment around the front entrance of Staples in keeping with what's already out there  
2160 and the existing Ukrops building. They are also proposing a roof canopy to be a gray shingle type. That  
2161 type of material is also found existing on the building as well. On the Stein Mart façade, which shows  
2162 up in your packet, there is a proposed bump out on the front façade to be constructed of EIFS. As I said,  
2163 the way the proffers are written for the zoning case, staff was not comfortable in approving these  
2164 proposed changes administratively. We felt it would take specific Planning Commission approval in  
2165 order to do this. Once, again, this is being placed on the agenda because this is an on-going renovation  
2166 project with the work hopefully scheduled to be completed the first part of next month. I'll be happy to  
2167 answer any questions you may have.

2168

2169 Mr. Marlles - Mr. Wilhite, I wanted to make sure that I heard you correctly. Is staff  
2170 recommending this or are they not?

2171

2172 Mr. Wilhite - Staff feels, in negotiation with the applicant, that we have gotten as far as we can  
2173 without Planning Commission approval of the proposed changes.

2174

2175 Mr. Marlles - What happens if this is not acted upon today?

2176

2177 Mr. Wilhite - Well, at this point, a stop-work order has been issued by the Building Inspections  
2178 Department for the exterior renovations to this building. A building permit for interior changes has been  
2179 approved. The building permit for the site plan changes has been approved. At this point, I believe,  
2180 Staples is scheduled to move in the first part or mid July. The next opportunity that we would have to  
2181 consider this maybe after Staples was set to move in. So, this is the reason why we placed it as a last  
2182 minute item for this agenda.

2183

2184 Mr. Marlles - My concern, and I'll just say it this way, this particular shopping center is  
2185 probably been cited as one of the most attractive ones in the County. It is often used as an example or  
2186 model. And my concern, as Director or Planning, would be if staff was comfortable that this design  
2187 blends in and is compatible with the existing development then I would have no concerns with it being  
2188 acted upon by the Commission. But, I do believe that we want to make sure that it is compatible and  
2189 does blend in with the rest of the center.

2190  
2191 Mr. Wilhite - I believe really the only item that staff had problems with was the red panel  
2192 treatment behind the light letters, which is not consistent with what appears out there in the shopping  
2193 center. This really was the only item that we really did not come to any agreement with the applicant,  
2194 and this is what the applicant is requesting the Planning Commission to approve. Representatives are  
2195 here from the shopping center and they'll be happy to answer any questions you may have.

2196  
2197 Mr. Jernigan - What is staff recommending on the sign?

2198  
2199 Mr. Wilhite - Staff recommended that white letters be placed on the building itself, being  
2200 consistent with the rest of the shopping center. The problem comes up that they had already worked up  
2201 a contract agreement with Staples. This is what Staples requires them to do. I can say that they have  
2202 already reduced the amount of red background from what is shown here on these plans. Originally, it  
2203 had stretched all the way across the front of the entrance, roughly the size of the roof that's shown there  
2204 over the glass entrance front. But, at this point, we could not come to an agreement on any other  
2205 treatment.

2206  
2207 Mr. Thornton - Mr. Wilhite, has the staff or has the Planning Commission, at least before my  
2208 coming on here this particular year, ever had any questioning? Is there any litigation about EIFS?

2209  
2210 Mr. Wilhite - There has been lawsuits in other jurisdictions. I'm not aware of any in the state of  
2211 Virginia or locally ongoing right now concerning EIFS.

2212  
2213 Mr. Thornton - I thought that was a class-action suit. I may not be privy to that but in the paper  
2214 there's a class-action suit for buildings that have EIFS on them. And, I didn't know whether or not  
2215 that's something we need to be privy to at all. So, after I heard this being brought up many times, I  
2216 think that that is something, at least, the staff should look into, and if you would consult the papers you  
2217 will see that there are some class-action suits against homeowners in which homes have been treated  
2218 with that. I don't know that much about it, but it has caught my attention so I just thought that maybe  
2219 this is something that we need to be sensitive to, at least. Maybe the information I have is erroneous, but  
2220 I would hope if someone would check into that.

2221  
2222 Mr. Wilhite - From the little I know about it, I think the law suits and the problems have dealt  
2223 with EIFS affixed to wood frame structures and moisture getting trapped behind the EIFS and causing  
2224 rot. I believe in this particular case, and the applicant would have to confirm it, I think the EIFS is  
2225 actually placed on masonry, backing masonry block. So, I'm not sure that you have the same problem at  
2226 this location here.

2227  
2228 Mr. Taylor - I believe from the case that we've got here, there is an engineering problem  
2229 opposed to Epoxy Finishing Systems or EIFS, because in some cases, Mr. Thornton, they are really not  
2230 well applied. Some of the practioners of the art of application don't follow the regulations. It's really a  
2231 workmanship issue; it's also, to a degree, a materials issue because we are dealing here with high-tech  
2232 epoxy or fibre glass, thermo setting or quick setting materials that are bordering on plastic. And,  
2233 sometimes, again, the chemistry for that is such that while they can do it in Disneyland and it comes out  
2234 great, in the field sometimes it doesn't come out as good. And where they are using EIFS for housing  
2235 structures in replacement of brick, you get the substitution feel of brick but you don't get the texture and  
2236 tenacity of brick. So, it's really a material and engineering thing. But, I think, generally speaking, EIFS  
2237 is, if carefully applied, is a reasonable engineering surface. But, I don't think, sir, that that applies to  
2238 this one. I think this one here, the buildings in Short Pump Crossing are really well designed and well  
2239 developed and well applied. I don't believe that there is any surface treatment problem in that particular  
2240 one. This one here just relates to signs. And in talking with the staff, we thought, Mr. Kaechele and I,

2241 thought that we would bring it here. There are a few of the representatives from, the landlord is here,  
2242 and, I would enjoy it if we hear from him.

2243  
2244 Mr. Jernigan - Mr. Wilhite, let me ask you one thing. On the sign is one thing that the staff is  
2245 opposing, on the other locations in town do they use this same logo?

2246  
2247 Mr. Wilhite - I think now this is the standard trademark logo for Staples. The only example that  
2248 I've been cited is the one in Chesterfield, I believe at The Arboretum, does not used this type of  
2249 treatment but the other Staples being open up around the area, this is their trademark.

2250  
2251 Mr. Jernigan - Okay. Thank you.

2252  
2253 Mrs. Ware - What are they using in Chesterfield, what type of lettering do they use there,  
2254 that's different from the others?

2255  
2256 Mr. Wilhite - I have not seen it personally but I understand that it's just letters attached to the  
2257 building wall. But, I believe that's one that was constructed a few years ago.

2258  
2259 Mr. Taylor - If there are no other questions from the Commission I believe we would enjoy  
2260 hearing from Mr. Sauer.

2261  
2262 Mr. Sauer - Mr. Taylor, I'll just introduce myself and then I'm going to defer to Adrian Jacob,  
2263 who is my general contractor. I'm Brad Sauer, vice president of Sauer Properties. We are the developer  
2264 of this section of Short Pump Crossing, the Phase II, which was the Pleasants Hardware building is now  
2265 being redeveloped for a 40,000 square foot Stein Mart and 20,000 square foot Staples. The Staples store  
2266 is scheduled to open some time at the first week or 10 days of July. The store is substantially completed  
2267 at this point. Adrian Jacob who is an officer, EDC, the general contractor who is constructing the  
2268 facility, is a little bit more knowledgeable of exactly what the construction issues are, and I'm going to  
2269 defer to him. But, I'm here to answer any questions anybody has of me.

2270  
2271 Mr. Taylor - Thank you, Mr. Sauer. We will hear from Mr. Jacob who perhaps can give us an  
2272 overview of EIFS, if I misstated the situation.

2273  
2274 Mr. Jacob - EIFS, IFS, dose, stucco, there's about 20 different brand names. I am Adrian  
2275 Jacob and my company is EDC, and we are under retainer from Brad Sauer to help with redevelopment  
2276 of this center. And, we have been working on, as you know, this redevelopment since Pleasants made  
2277 the decision, over two years ago, to leave the Short Pump area. Brad has been actively marketing this  
2278 property and Staples has been a stalwart tenant out here who is anxious to open a location that the  
2279 demographics and income strain that he could enjoy in Short Pump is just tremendous and they are very  
2280 excited to be here. One of the things that we recognized early in the redevelopment of this center is that  
2281 Staples did have a significant corporate signature with their red over their entrance, which is a part of  
2282 their national corporate ID and I believe it is a part of every project that they are doing nationwide. I  
2283 think there is one coming before this Commission at Parham Road as well. In a POD process we snuck  
2284 through the system. There was a snafu, there was some miscommunication, we had assumed we had the  
2285 administrative POD approval for the red and that's why we are here today. We have proceeded with the  
2286 redevelopment of the center. Staff has made us aware of their objection of the red and we have been  
2287 working diligently with staff and with Mr. Taylor, as well, to try to come up with a solution that will  
2288 retain Staples red identity yet meet all of the West Broad Street proffers and conditions of the Overlay  
2289 Guidelines without compromising the significant issue of taking away Staples' red and we feel like this  
2290 is a compromise we have yet to present to Staples but we believe they will accept this and hope that this  
2291 Commission look favorably on the application of this red. It is part of the Staples identify and we do

2292 recognize that it is a material that is not on the center, on this particular center, but our hope is that the  
2293 Commission will approve the use of this material as a sign fascia treatment for Staples, so that, in the  
2294 event, and we have worked with Mr. Taylor to design the element so that in the event that Staples leaves  
2295 the center, this red paneling goes with it. It's part of their sign element. The building is treated with  
2296 EIFS behind the sign, behind this red sign, metal-(unintelligible) panel, so that in the event of a vacancy  
2297 by Staples, it goes away.  
2298

2299 In terms of EIFS, generally, the application of that product has come a long way, since its inception,  
2300 probably back in the early 60's. The largest problem that has been occurring with EIFS or has been  
2301 occurring EIFS up until probably the last five or six years ago, was its application with wood where you  
2302 had a horizontal surface and vertical surface, it's a concrete, and like any concrete it expands and it  
2303 contracts. And, what they found was where you had a horizontal surface that tied into a vertical surface  
2304 at a window, most likely, there was a break in the integrity of the surface and moisture was allowed to  
2305 penetrate into the back of the EIFS and water damage was the most likely occurrence. A lot of  
2306 beachfront homes were using EIFS materials because it looks nice and it has a lot of good weathering  
2307 characteristics. But, once there was a break in that integrity of that surface the plywood began rotting  
2308 immediately and buildings were falling down. That was the nature of the majority of the class-action  
2309 suit against EIFS. But, as always technology catches up to building products as well and I believe that  
2310 condition is no longer an issue. On the positive side, Mr. Wilhite was correct. This whole building is a  
2311 masonry construction building. The EIFS is simply an architectural element that's applied to the face of  
2312 that block. So, there is structure integrity and a waterproof integrity to the structure behind the EIFS.  
2313 With that, I stand down for any questions.  
2314

2315 Mr. Vanarsdall - Mr. Chairman, I would like to ask Kevin something. Is this what staff is  
2316 proposing, right there (referring to rendering)?  
2317

2318 Mr. Wilhite - This is what is being proposed and the best that we could get with negotiation  
2319 with the applicant.  
2320

2321 Mr. Vanarsdall - You are recommending that?  
2322

2323 Mr. Wilhite - It's the best that we can negotiate.  
2324

2325 Mr. Vanarsdall - Why is that the best, why can't they do what everybody else did?  
2326

2327 Mr. Wilhite - Apparently, because of the contract that they have with Staples at this point, they  
2328 could probably explain it better, but essentially it requires this type of signature on the building.  
2329

2330 Mr. Vanarsdall - Does this border on a legal problem between them and our attorney Tom Tokarz  
2331 or not?  
2332

2333 Mr. Wilhite - No, I don't believe it does. The way the proffers are written it allows for the  
2334 Planning Commission to approve exceptions to the signage that's already out there.  
2335

2336 Mr. Vanarsdall - This is a Three Chopt case, isn't it?  
2337

2338 Mr. Wilhite - Yes, sir.  
2339

2340 Mr. Vanarsdall - Well, why does the entire Commission have to look at it first? Why can't we get  
2341 a recommendation from the district?  
2342

2343 Mr. Wilhite - Typical practice is the recommendation will be made by the Three Chopt District  
2344 Chairman. This is just placed on, just like any other normal case, only except for the shortness of trying  
2345 to get it on the agenda, whether it's revised architectural plans that's done in the same manner as we  
2346 have done with a number of other projects.

2347  
2348 Mr. Marlles - Mr. Vanarsdall, if this helps. I think this is a little bit of an unusual situation. I  
2349 think we recognize that. I had a brief discussion with Mr. O'Kelly after I made my comment, and I now  
2350 understand that Mr. Silber has been working very closely with them to work out this compromise. And,  
2351 I do believe, particularly, with the condition that this sign will be removed if Staples left that center, as  
2352 Director of Planning I am more comfortable with that in the agreement. So, I would withdraw some of  
2353 the concerns that I expressed earlier.

2354  
2355 Mr. Vanarsdall - But, what I am saying is that this is no different from any other case that comes up  
2356 in the District, and the Commissioner of the District and the Board of Supervisor's member ought to  
2357 make a decision on it, and pass it on to us and we make our ayes and nays like we always do.

2358  
2359 Mr. Marlles - And I believe Mr. Taylor has been very involved in these abstentions, as well as  
2360 Mr. Silber.

2361  
2362 Mr. Vanarsdall - I don't understand this situation at all.

2363  
2364 Mr. Taylor - Well, perhaps I can just elucidate this a bit. When this first came up, and Kevin  
2365 and Mr. Silber and myself met on this, we changed the design considerably in terms of the sign, in terms  
2366 of the size. We asked that it be capable of being removed from the surface, but it did fly in the face of  
2367 Short Pump Crossing issues. I talked to Mr. Kaechele to discuss it with him in terms of what we did  
2368 with the sign. He was quite content with it, but I think what we want to do in bringing it here is make a  
2369 case out of it, that this is a one-time exclusion as an exception to County policy and were it not for the  
2370 closeness of the opening day on 1 July and the issues here, we, perhaps, might have a different outcome.  
2371 So, Mr. Vanarsdall, it was really to kind of clear the calendar.

2372  
2373 Mr. Vanarsdall - Are you in favor of what they want to do?

2374  
2375 Mr. Taylor - Mr. Kaechele and I have recognized it, but with the staff, the staff wanted to bring  
2376 it just to highlight it, so it is here on the agenda.

2377  
2378 Mr. Vanarsdall - Are you in favor of doing what they want to do?

2379  
2380 Mr. Taylor - I move approval of this sign exclusion as an exception to County policy. That is  
2381 my motion.

2382  
2383 Mr. Jernigan - I want to say something before we finish, and I know that there is a motion on the  
2384 floor, but somewhere down the road we are going to have to address on future buildings coming in what  
2385 is corporate logo, what is allowed and what is not, because in my district NAPA just built a new  
2386 building down there that is painted blue, that is block. I don't think they would even consider that in  
2387 Short Pump Crossing. Do we have any blue buildings out there? They are going to put a brick front on  
2388 it, but in my end of town, because it was a corporate logo, it got painted blue. Now, I am going to  
2389 second the motion, but I think that it is something that the staff is going to have to look at from now on,  
2390 what is considered and what is approved from a corporate logo and what is not.

2391  
2392 Mr. Taylor - Thank you. Motion made by Mr. Taylor and seconded by Mr. Jernigan to  
2393 approve the sign as we see it. All in favor say aye. All opposed say no. The motion is approved.

2394  
2395 Mr. Marlles - Mr. Chairman, there is one last item on the agenda that doesn't appear on the  
2396 agenda, but at our last work session on the Urban Mixed Use District, I asked you to schedule a public  
2397 hearing on that ordinance for July 11 and August 15. Staff has gone back and reconsidered and looked at  
2398 the time line. We are trying to expedite that ordinance and I would ask you today if you would be  
2399 willing to schedule a public hearing on the Urban Mixed Use District for your second meeting in July,  
2400 which is your July 24 POD meeting.  
2401  
2402 Mr. Vanarsdall - The last time we talked about the 13<sup>th</sup>.  
2403  
2404 Mr. Marlles - The last time we talked about July 11 or August 15, and essentially what we are  
2405 doing is compromising, going right in the middle, which is July 24.  
2406  
2407 Mr. Taylor - What time on the 24<sup>th</sup> would that be? Would that be a morning meeting?  
2408  
2409 Mr. Marlles - Yes, it would.  
2410  
2411 Mr. Taylor - And what time would that start?  
2412  
2413 Mr. Marlles - Well, I would prefer that we just schedule it on the agenda, Mr. Chairman.  
2414  
2415 Mr. Taylor - Does that require a motion?  
2416  
2417 Mr. Marlles - Yes, it does. We need a motion to schedule a Public Hearing on the Urban Mixed  
2418 Use District for July 24.  
2419  
2420 Mr. Vanarsdall - I make a motion to do that and where on the agenda will we have it?  
2421  
2422 Mr. Marlles- Probably at the end of the agenda, Mr. Vanarsdall.  
2423  
2424 Mr. Taylor - We have a motion to schedule a Public Hearing on the 24<sup>th</sup> of July. Motion made  
2425 by Mr. Vanarsdall and I will second that. All in favor say aye. All opposed say no. The ayes have it.  
2426 The motion is approved to schedule a Public Hearing on The Urban Mixed Use District on July 24,  
2427 2002.  
2428  
2429 Is there a motion to adjourn?  
2430  
2431 Mr. Thornton - Mr. Chairman, has the Commission ever thought about for the August meeting to  
2432 just have one meeting in August?  
2433  
2434 Mr. Taylor - We presently do now. We just have zoning. We do not have POD meetings in  
2435 August.  
2436  
2437 Mr. Thornton - Thank you.  
2438  
2439 Mr. Vanarsdall - Mr. Thornton, we appreciate your support on that.  
2440  
2441 Mr. Taylor - Is there a motion to adjourn?  
2442  
2443 Mr. Vanarsdall - So moved.  
2444

2445 Mr. Archer - Second.

2446

2447 Mr. Taylor - We have a motion by Mr. Vanarsdall and a second by Mr. Archer. All in favor  
2448 say aye. All opposed say no. This meeting is adjourned and the time is 11:41 a.m. Thank you, staff, for  
2449 all of the hard work.

2450

2451 There being no further business, the Planning Commission adjourned its June 26, 2002, meeting at 11:41  
2452 a.m.

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Allen Taylor, P.C., C.P.C., Chairman

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John R. Marlles, AICP, Secretary

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