

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County,
2 held in the Board Room of the County Administration Building in the Government Center
3 at Parham and Hungary Spring Roads, beginning at 9:00 a.m. Wednesday, June 27,
4 2007.

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6

Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)
Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mrs. Bonnie-Leigh Jones (Tuckahoe)
Mr. Randall R. Silber, Director of Planning, Secretary

Member Absent: Mr. Frank Thornton (Fairfield) Board of Supervisors
Representative

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

7

8 **Mr. Frank J. Thornton, the Board of Supervisors representative, abstains from**
9 **voting on all cases unless otherwise noted.**

10

11 Mr. Branin - Good morning and welcome to the June 27, 2007
12 Subdivision and Plan of Development meeting for Henrico County. Good morning,
13 everybody.

14

15 Mrs. Jones - Good morning, Mr. Chairman.

16

17 Mr. Archer - Good morning, Mr. Chairman.

18

19 Mr. Branin - Good morning Commissioners. Good morning, Mr. Silber.

20

21 Mr. Silber - Good morning.

22 Mr. Branin - Our supervisor, Mr. Frank Thornton, who sits on this
23 Commission, is going to be running a little bit late today. Normally, we would welcome
24 him with open arms. Mr. Silber, do you want to take it from here?
25

26 Mr. Silber - Yes sir. Thank you, Mr. Chairman,
27

28 Mr. Vanarsdall - Mr. Chairman, we're glad to have you back with us. Mr.
29 Jernigan did an excellent job in substituting, so you have trained him nicely. But we're
30 glad to have you back.
31

32 Mr. Jernigan - Thank you, Mr. Vanarsdall.
33

34 Mr. Branin - Now that you've brought that up, Mr. Vanarsdall, Mr.
35 Jernigan, thank you. Mr. Silber.
36

37 Mr. Silber - Yes sir. Thank you, Mr. Chairman, Members of the
38 Commission. We do have a quorum and we can conduct business. I presume we can
39 move forward. The first item on the agenda would be consideration of deferrals and
40 withdrawals, and we have two deferrals this morning. Ms. News, can you tell us about
41 those, please?
42

43 Ms. News - Yes, sir. Good morning Members of the Commission. We
44 have two requests for deferrals this morning and have had a third added. The first item
45 is on page 3 of your agenda and located in the Fairfield District. This is Transfer of
46 Approval POD-52-03, Virginia Center Station – Kim Property. The applicant is
47 requesting a deferral to the July 25, 2007 meeting.
48

49 **TRANSFER OF APPROVAL**
50

51 52 53 54 55 56 57	POD-52-03 Virginia Center Station – Kim Property – Brook Road	Jeffrey Meyer for Kim Won Kim and Boo Ok Kim (The Kim's): Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Virginia Center Inc. and VC Silver, LLC to Kim Wan Kim and Boo Ok Kim. The 2.439-acre site contains building B and is a portion of the overall 7.324 acre site. It is located at the northeast corner of Brook Road (U.S. Route 1) and Virginia Center Parkway on parcel 784-768-2228. The zoning is M-1, Light Industrial District. County water and sewer. (Fairfield)
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51 Mr. Branin - Is anyone in opposition to deferral of POD-52-03, Virginia
52 Center Station - Kim Property? No one?
53
54

55 Mr. Archer - Mr. Chairman, I move deferral of TOA POD-52-03, Virginia
56 Center Station - Kim Property, to the July 25, 2007 meeting at the applicant's request.
57

58 Mr. Vanarsdall - Second.

59

60 Mr. Branin - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
61 in favor say aye. All opposed say no. The ayes have it, the motion carries.

62

63 At the request of the applicant, the Planning Commission deferred the transfer of
64 approval request for POD-52-03, Virginia Center Station - Kim Property, to its July 25,
65 2007 meeting.

66

67 Ms. News - The next item is located in the Brookland District. This is on
68 page 11 of your agenda, POD-35-07, McDonald's at Staples Mill Road. The applicant is
69 requesting a deferral to the July 25, 2007 meeting.

70

71 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

72

POD-35-07 McDonalds @ Staples Mill Square – Staples Mill Road	Carter Design for Staples Mill Square Associates, LLD and McDonald's USA, LLC: Request for approval of a plan of development and lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 4,382 square foot restaurant with drive-thru facilities in an existing shopping center. The 1.321-acre site is located on the north line of Staples Mill Road (U.S. Route 33) approximately 1,100 feet east of Hungary Spring Road on parcel 768-757-2542 and part of parcel 769-757-1082. The zoning is B-2C, Business District (Conditional). County water and sewer. (Brookland)
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73

74 Mr. Branin - Is anyone in opposition to the deferral of POD-35-07,
75 McDonalds @ Staples Mill Square? No one?

76

77 Mr. Vanarsdall - I move POD-35-07, McDonalds @ Staples Mill Square be
78 deferred at the applicant's request to the July 25, 2007 meeting.

79

80 Mrs. Jones - Second.

81

82 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mrs. Jones. All
83 in favor say aye. All opposed say no. The ayes have it, the motion carries.

84

85 At the request of the applicant, the Planning Commission deferred POD-35-07,
86 McDonalds @ Staples Mill Square, to its July 25, 2007 meeting.

87

88 Ms. News - Next on page 18 of your agenda, we've had an added item.
89 This is located in the Varina District, SUB-39-07, Hanover Meadows. The applicant is
90 requesting a deferral to the July 25, 2007 meeting.

91

92 **SUBDIVISION**

93

SUB-39-07
Hanover Meadows
(June 2007 Plan)
Hanover and Meadow
Roads

Parker Design Group, Inc. for Raj Prasad and Randy Powers: The 15.93-acre site proposed for a subdivision of 11 single-family homes is located 65 feet northeast of Midage Road, 267 Hanover Road, on parcels 830-721-1453, 5808 and part of 830-720-7285. The zoning is A-1, Agricultural District. County water and sewer. **(Varina) 11 Lots**

94

95 Mr. Branin - Is anyone in opposition to the deferral of SUB-39-07,
96 Hanover Meadows (June 2007 Plan)? No one?

97

98 Mr. Jernigan - With that, Mr. Chairman, I move for deferral of SUB-39-07,
99 Hanover Meadows (June 2007 Plan) to the July 25, 2007 meeting, by request of the
100 applicant.

101

102 Mrs. Jones - Second.

103

104 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mrs. Jones. All
105 in favor say aye. All opposed say no. The ayes have it, the motion carries.

106

107 At the request of the applicant, the Planning Commission deferred SUB-39-07, Hanover
108 Meadows (June 2007 Plan), to its July 25, 2007 meeting.

109

110 Ms. News - That is all we have.

111

112 Mr. Silber - No deferrals on behalf of the Planning Commission this
113 morning? Seeing none, next on the agenda would be consideration of the expedited
114 items. These are items that are placed on a separate agenda because of the minor
115 nature of the plans, staff has no outstanding issues on them, the applicant is in
116 agreement with the conditions placed on the plan, and the Planning Commissioner from
117 the District is comfortable with the request. If there is opposition to any of these found
118 on the expedited agenda, they would be pulled off and heard in the order of the full
119 agenda. I believe this morning we have three items on our expedited agenda. Ms.
120 News?

121

122 Ms. News - The first item is on page 4 of your agenda and is located in
123 the Three Chopt District. It is the transfer of approval of POD-57-81, Deep Run
124 Business Center. Staff recommends approval.

125

126 **TRANSFER OF APPROVAL**

127

POD-57-81 **Edmunds & Williams for 1982 Fort Street Land Trust:**
Deep Run Business Center Request for transfer of approval as required by Chapter
W. Broad Street and Deep Rock Road Exploration Inc. Et Als and Deep Run Business Center to
1982 Fort Street Land Trust. The 3.0-acre site is located at
the southeast corner of Deep Rock Road and W. Broad
Street (U.S. Route 250) on parcel 751-759-5660. The
zoning is M-1, Light Industrial District. County water and
sewer. **(Three Chopt)**

128

129 Mr. Branin - Is anyone in opposition to the transfer of approval for POD-
130 57-81, Deep Run Business Center? No one? Then I'd like to move that TOA POD-57-
131 81, Deep Run Business Center, be placed on the expedited agenda with
132 recommendation for approval.

133

134 Mr. Jernigan - Second.

135

136 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Jernigan. All in
137 favor say aye. All opposed say no. The ayes have it, the motion carries.

138

139 The Planning Commission approved the transfer of approval request for POD-57-81,
140 Deep Run Business Center, subject to the standard and added conditions previously
141 approved and the following additional conditions:

142

- 143 1. The site deficiencies, as identified in the inspection report, dated June 13, 2007
144 shall be corrected by October 1, 2007.

145

146 Ms. News - Next on page 6 of your agenda and located in the Fairfield
147 District is POD-21-07, Pizza Hut at Glen Lea Shopping Center. Staff recommends
148 approval.

149

150 **PLAN OF DEVELOPMENT (Deferred from the May 23, 2007 Meeting)**

151

POD-21-07 **Hurt & Proffitt, Inc. for Regency Centers LP and**
Pizza Hut @ Glen Lea **Colonial Foods, L.L.C.:** Request for approval of a plan of
Shopping Center development as required by Chapter 24, Section 24-106 of
2204 E. Laburnum Avenue the Henrico County Code, for a façade renovation and 531
square foot addition to an existing one-story, 2,844 square
foot restaurant. The .50-acre site is located in an existing
shopping center, on the northwest corner of the
intersection of Mechanicsville Turnpike and E. Laburnum
Avenue on part of parcel 802-736-8028. The zoning is B-2,
Business District. County water and sewer. **(Fairfield)**

152

153 Mr. Branin - Is anyone in opposition to POD-21-07, Pizza Hut @ Glen
154 Lea Shopping Center? No one? Mr. Archer.

155
156 Mr. Archer - Mr. Chairman, I move for approval of POD-21-07, Pizza Hut
157 @ Glen Lea Shopping Center, subject to the plan annotations, standard conditions for
158 developments of this type, and the additional conditions 24 through 35.

159
160 Mrs. Jones - Second.

161
162 Mr. Branin - Motion made by Mr. Archer, seconded by Mrs. Jones. All in
163 favor say aye. All opposed say no. The ayes have it, the motion carries.

164
165 The Planning Commission approved POD-21-07, Pizza Hut @ Glen Lea Shopping
166 Center, subject to annotations on the plans, the standard conditions attached to these
167 minutes for developments of this type, and the following additional conditions:

- 168
169 24. The easements for drainage and utilities as shown on approved plans shall be
170 granted to the County in a form acceptable to the County Attorney prior to any
171 occupancy permits being issued. The easement plats and any other required
172 information shall be submitted to the County Real Property Agent at least sixty
173 (60) days prior to requesting occupancy permits.
- 174 25. The developer shall provide fire hydrants as required by the Department of Public
175 Utilities and Division of Fire.
- 176 26. Outside storage shall not be permitted.
- 177 27. The developer shall install an adequate restaurant ventilating and exhaust
178 system to minimize smoke, odors, and grease vapors. The plans and
179 specifications shall be included with the building permit application for review and
180 approval. If, in the opinion of the County, the type system provided is not
181 effective, the Commission retains the rights to review and direct the type of
182 system to be used.
- 183 28. Any necessary off-site drainage and/or water and sewer easements must be
184 obtained in a form acceptable to the County Attorney prior to final approval of the
185 construction plans.
- 186 29. Deviations from County standards for pavement, curb or curb and gutter design
187 shall be approved by the County Engineer prior to final approval of the
188 construction plans by the Department of Public Works.
- 189 30. The conceptual master plan, as submitted with this application, is for planning
190 and information purposes only.
- 191 31. The location of all existing and proposed utility and mechanical equipment
192 (including HVAC units, electric meters, junction and accessory boxes,
193 transformers, and generators) shall be identified on the landscape plans. All
194 equipment shall be screened by such measures as determined appropriate by
195 the Director of Planning or the Planning Commission at the time of plan approval.
- 196 32. Only retail business establishments permitted in a B- 2 zone may be located in
197 this center.

- 198 33. The ground area covered by all the buildings shall not exceed in the aggregate
 199 25 percent of the total site area.
 200 34. No merchandise shall be displayed or stored outside of the building or on
 201 sidewalks.
 202 35. The shopping center owner shall be responsible for updating landscaping
 203 features to be consistent with the shopping center's previously approved
 204 landscape plan prior to issuance of a certificate of occupancy.
 205

206 Ms. News - The final item is on page 17 of your agenda and located in
 207 the Brookland District. This is SUB-38-07, Winston Trace (June 2007 Plan) for 12 lots.
 208 Staff recommends approval.
 209

210 **SUBDIVISION**
 211

212 213 214 215 216 217 218 219 220	SUB-38-07 Winston Trace (June 2007 Plan) 10150 – 10220 Winston Boulevard	QMT for Robert P. Bains: The 4.19-acre site proposed for a subdivision of 12, single-family homes is located on the west line of Winston Boulevard in between Winston Court and Blackburn Road on parcels 772-763-4125 and 4443. The zoning is R-3, One-Family Residence District. County water and sewer. (Brookland) 12 Lots
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212
 213 Mr. Branin - Is anyone in opposition to SUB-38-07, Winston Trace (June
 214 2007 Plan)? No one?
 215

216 Mr. Vanarsdall - I move SUB-38-07, Winston Trace (June 2007 Plan), be
 217 approved on the expedited agenda with the annotations on the plan, the standard
 218 conditions for subdivisions served by public utilities, and the following additional
 219 conditions 12 through 17.
 220

221 Mr. Jernigan - Second.
 222

223 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan.
 224 All in favor say aye. All opposed say no. The ayes have it, the motion carries.
 225

226 The Planning Commission granted conditional approval to SUB-38-07, Winston Trace
 227 (June 2007 Plan), subject to the standard conditions attached to these minutes for
 228 subdivisions served by public utilities, the annotations on the plans and the following
 229 additional conditions:
 230

- 231 12. The plan must be redesigned to provide at least the 80-foot minimum lot width
 232 required and as regulated by Chapter 24, of the Henrico County Code.
 233 13. The detailed plant list and specifications for the landscaping to be provided within
 234 the 25-foot-wide planting strip easement along Winston Boulevard shall be
 235 submitted to the Department of Planning for review and approval prior to
 236 recordation of the plat.

- 237 14. Any future building lot containing a BMP, sediment basin or trap and located
 238 within the buildable area for a principal structure or accessory structure may be
 239 developed with engineered fill. All material shall be deposited and compacted in
 240 accordance with the Virginia Uniform Statewide Building Code and geotechnical
 241 guidelines established by a professional engineer. A detailed engineering report
 242 shall be submitted for the review and approval by the Building Official prior to the
 243 issuance of a building permit on the affected lot. A copy of the report and
 244 recommendations shall be furnished to the Directors of Planning and Public
 245 Works.
- 246 15. Blackburn Road unimproved shall be vacated prior to recordation of the
 247 subdivision plat.
- 248 16. Provide documentation that Faith Baptist Church will meet the parking
 249 requirements prior to final approval of the construction plans.
- 250 17. The subdivision construction plans shall contain the details for relocating and
 251 rearranging the parking lot for Faith Baptist Church.

252
 253 Ms. News - That completes the expedited agenda.

254
 255 Mr. Silber - Next on your agenda would be consideration of Extension of
 256 Conditional Subdivision Approvals. All of the items needing to be extended, as far as
 257 these conditional subdivision approvals are concerned, can be handled administratively.
 258 These do not require any Planning Commission action. There are four on the agenda
 259 for informational purposes. Ms Goggin is here to answer questions the Commission
 260 may have on these four.

261
 262 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 263 **FOR INFORMATIONAL PURPOSES ONLY**
 264

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Year(s) Extended Recommended
Banbury Park @ Greenbrooke (June 2006 Plan)	27	27	0	Three Chopt	1 Year 6/25/08
Beechwood Park (June 2006 Plan)	18	18	0	Fairfield	1 Year 6/25/08
Midview Farms (June 2005 Plan)	95	9	1	Varina	1 Year 6/25/08
Tech Park (June 2005 Plan) (Road Dedication)	0	0	1	Varina	1 Year 6/25/08

265
 266 Mr. Branin - Good morning, Ms. Goggin, how are you?
 267

268 Ms. Goggin - I'm good, thank you. Good morning.

269 Mr. Branin - Do any of the Commissioners have any questions in regards
270 to these? None? Ms. Goggin, we're letting you off easy.
271 Ms. Goggin - Thank you.

272
273 Mr. Silber - Sounds good. Moving on to page 5 of the agenda.

274
275 **ALTERNATIVE FENCE PLAN - RESIDENCE**

276
277 Wheeler Residence – **Lisa Wheeler:** Request for approval of an alternative
278 Darbytown Road fence height plan, as required by Chapter 24, Sections 24-
279 106 and 24-95(l) 7 of the Henrico County Code to allow a
280 fence exceeding a height of 42 inches in a front yard. The
281 two-acre site is located on the north line of Darbytown
282 Road, approximately 1,300 feet west of the intersection of
283 Darbytown Road and Bradbury Road, at 4640 Darbytown
284 Road directly across from Fussell's Ridge on parcel 836-
285 690-5005. The zoning is A-1, Agricultural District. **(Varina)**

277
278 Mr. Branin - Good morning, Mr. Garrison, how are you?

279
280 Mr. Garrison - Good morning.

281
282 Mr. Branin - Is anybody in opposition to the alternative fence plan for the
283 Wheeler Residence – Darbytown Road? No one.

284
285 Mr. Jernigan - It's up to you, Mr. Garrison.

286
287 Mr. Garrison - Mr. Chairman, Planning Commission members, this fence is
288 very similar to other fences in the area and to date, staff has not received any phone
289 calls in opposition to the fence. Therefore, staff has no objections to the fence.

290
291 As you can see on the plan, Ms. Wheeler is providing fencing for a horse in the back of
292 her house and staff is currently working with her to resolve some setback issues.
293 Should the Commission act on this request, staff recommends the standard conditions
294 for the landscape plans and within one year of completion, landscaping shall be
295 provided along the entire frontage of the fence.

296
297 Mr. Branin - Do any of the Commission members have any other
298 questions for Mr. Garrison?

299
300 Mr. Jernigan - Greg, when you rode out, you noticed that there are fences
301 all up and down the road that are similar to it in height.

302
303 Mr. Garrison - Yes.

304
305 Mr. Jernigan - Okay.

306 Mrs. Jones - I have a question. There are pictures of other fences along
307 Darbytown. Those have three rails. This will be just a two-rail fence, correct?
308
309 Mr. Garrison - Yes.
310
311 Mr. Jernigan - The applicant may want to come down on that one.
312
313 Mr. Vanarsdall - Depends on what they're trying to keep in or keep out,
314 whether they have three or two.
315
316 Mr. Branin - Ma'am, when you come down, if you could just state your
317 name for the record so we have it? Thank you.
318
319 Ms. Wheeler - My name is Lisa Wheeler.
320
321 Mr. Jernigan - Good morning.
322
323 Ms. Wheeler - Good morning.
324
325 Mr. Vanarsdall - Good morning, Ms. Wheeler.
326
327 Mr. Jernigan - Ms. Wheeler, what are the dimensions on this fence as far
328 as the boards that you are using?
329
330 Ms. Wheeler - I'm using a five-fourths by six-inch board.
331
332 Mr. Jernigan - What size?
333
334 Ms. Wheeler - It's five-fourths thickness by six-inch wide.
335
336 Mr. Jernigan - Okay.
337
338 Mr. Vanarsdall - Are they decking boards?
339
340 Ms. Wheeler - Yes sir.
341
342 Mr. Silber - The posts that are currently in the ground, are they at 48
343 inches or are they taller than 48?
344
345 Ms. Wheeler - Right now, I've just got them in and tapped in place. I
346 haven't finished. I stopped when I was notified that I needed to go for this. So, I haven't
347 done a thing. Right now, they're in excess of where they'll be. I'd planned to cut them to
348 the, to the 48 inch to match the fence line, but right now I've just stopped.
349
350 Mr. Silber - Okay, thank you.
351

352 Mrs. Jones - May I ask you why you need to have the higher fence that's
353 higher than the ordinance allows?
354
355 Ms. Wheeler - I'm trying to keep my dogs in my yard, is basically what I'm
356 trying to do. The wire that I found comes in a 48-inch width or 32 inches, I think it was.
357 They are Labs. I wanted the 48-inch just to dissuade them from trying to get out of the
358 yard and into the road.
359
360 Mrs. Jones - That's certainly a good goal.
361
362 Ms. Wheeler - Yes, I understand.
363
364 Mrs. Jones - They can't be kept in the backyard?
365
366 Ms. Wheeler - It's a small area and it's the two of them, so I wanted to be
367 able to enjoy them if I was gardening in the front yard. That way, they wouldn't have a
368 tendency to jump out. They're never out in the yard when I'm not at home. But even still,
369 I figure if I'm out gardening, they might try and jump the fence to get to me.
370
371 Mrs. Jones - Sure.
372
373 Ms. Wheeler - So, if I were out in the front yard, they could just chill out and
374 relax with me.
375
376 Mrs. Jones - Do you know if the other fences that you've pictured here are
377 48 inches?
378
379 Ms. Wheeler - I believe most of them are in excess of 48.
380
381 Mr. Vanarsdall - My dog hides under the deck.
382
383 Ms. Wheeler - My dog prefers the living room sofa, but we won't go there.
384
385 Mrs. Jones - I remember that.
386
387 Mr. Jernigan - Okay, thank you ma'am.
388
389 Ms. Wheeler - Thank you.
390
391 Mr. Branin - Thank you, Ms. Wheeler. Any other questions?
392
393 Mr. Jernigan - That's probably the least disputed alternative fence height
394 that we've had in six years. The neighborhood pretty much has tall fences around
395 there. Everything seems to be in order. Your neighbors are okay with it and there's no
396 opposition here. With that, Mr. Chairman, I will move for approval of the alternative

397 fence height to 48 inches for the Wheeler residence with condition #1 and the staff
398 report on the addendum.

399
400 Mr. Vanarsdall - Second.

401
402 Mr. Jernigan - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall.
403 All in favor say aye. All opposed say no. The ayes have it, the motion carries.

404
405 The Planning Commission approved the alternative fence plan for The Wheeler
406 Residence subject to annotations on the plans, the standard conditions attached to
407 these minutes, and the following additional condition:

408
409 1. A landscape plan shall be provided for staff review and approval for the entire
410 frontage of the fence, and landscaping shall be installed no later than May 30,
411 2008.

412
413 **PLAN OF DEVELOPMENT**

414
415 **POD-34-07 Grattan Associates, P.C. for The Wilton Companies,**
416 **Wilton Square – Inc.:** Request for approval of a plan of development, as
417 **W. Broad Street and Cox required by Chapter 24, Section 24-106 of the Henrico**
418 **Road restaurant and a one-story, 11,000 square foot retail**
419 **building and coffee shop with drive thru facilities. The**
420 **3.51-acre site is located on the northeast corner of W.**
421 **Broad Street (U.S. Route 250) and Cox Road on parcels**
422 **748-760-6957 and 9546. The zoning is B-2C, Business**
423 **District (Conditional). County water and sewer.**
424 **(Three Chopt)**

415
416 Mr. Branin - Is anyone in opposition to POD-34-07, Wilton Square? No
417 one? Mr. Wilhite.

418
419 Mr. Wilhite - Thank you, Mr. Branin. Staff has received comments from
420 the Virginia Department of Transportation. They are okay with the plan. The site issues
421 that we had have been resolved. The first one involved the design of the paved area
422 behind the Silver Diner and the retail building. The one-way drive aisle to the north of
423 the Silver Diner is going to be eliminated. From a traffic standpoint, we are okay with the
424 pavement design in the back now. Also, staff had commented about the parking spaces
425 along the eastern property line. Originally, we had recommended the elimination of eight
426 spaces. We've taken another look at that and we've asked that the spaces meet a 100-
427 foot setback off West Broad Street. This would result in the elimination of two to three
428 parking spaces. The rest of these parking spaces would be designated as employee
429 parking. Staff is okay with that change. The applicant has agreed to do that.

430

431 Primarily, the issues involve the architectural design of the building being proposed.
432 There are proffered conditions that address the proposed restaurant and retail buildings
433 here, and it also applies to the existing hotel and 7-Eleven to the north of the site. This
434 is the existing 7-Eleven. It's constructed primarily of brick and EIFS with standing metal
435 seam roof, green in color. There is the existing hotel. It's nearly all brick with green
436 standing metal seam roof as well.

437
438 The proffers also refer to the buildings to the east of this. This is the County library. It's
439 brick and standing metal seam roof. Here's another picture of the library. That's the
440 hotel that's adjacent to the site. Once again, the 7-Eleven. The retail building and
441 coffee shops proposed, in staff's opinion, conform to the proffer requirements. It's
442 primarily brick with some EIFS accent and standing metal seam roof.

443
444 The Silver Diner. The applicant is requesting approval of alternative treatment and
445 architectural design. This is referenced in the proffers of the zoning case. The exterior
446 materials and architectural design of all buildings constructed on the property shall be
447 coordinated with and be complimentary to each other, generally as shown as Exhibit B,
448 as determined by the Planning Commission at the time of plan of development review.
449 Another section of the proffers does allow that other buildings constructed on the
450 property shall have exposed exterior walls above finished grade of brick construction,
451 exclusive of windows, doors, and architectural design features, unless different
452 architectural treatment and/or materials are specifically requested and approved at the
453 time of Plan and Development review. The applicant, Wilton Development, is
454 requesting alternative treatment for the building, which is going to be at the very corner
455 of West Broad Street and Cox Road.

456
457 Representatives of Wilton Development are here to make their case for the alternative
458 design. If you have any questions, I'll try to answer them as best I can.

459
460 Mr. Vanarsdall - How much deviation is it from the regular Silver Diner?

461
462 Mr. Wilhite - A regular Silver Diner? I think it's more or less similar to the
463 other Silver Diners. This would be, I believe, the first one in the area.

464
465 Mr. Vanarsdall - Chrome and—

466
467 Mr. Wilhite - It's mixed materials. Stainless steel, glass block, EIFS.
468 There is some brick on the building as well. There is tile on the front of the building. So,
469 it is a mix of different materials.

470
471 Mr. Branin - Mr. Wilhite, this project with the Silver Diner, we have
472 existing proffers on this land. Are we meeting the proffers with the need of brick?

473
474 Mr. Wilhite - There are some proffers that really conflict with the ability to
475 approve an alternative design. There is one proffer that deals with the roof design and
476 color of each building constructed on the property and the canopy covering pump

477 islands of any service station developed on the property shall be compatible with the
478 roof design and color of the Henrico County Library on Innslake Drive and the
479 Colonnade building generally as shown on Exhibit B. Those buildings are red brick with
480 standing metal seam roofs that are green in color.

481
482 Mr. Branin - Okay. Have they attempted to put some green metal roofing
483 on this building?
484

485 Mr. Wilhite - The only green metal that they have is on the coping along
486 this line in the rear of the building. That's green in color and it just covers the top of the
487 wall.
488

489 Mr. Branin - Okay. Have they attempted to put brick on it?
490

491 Mr. Wilhite - The brick is primarily in the rear of the building. It would be
492 white brick. There is a proffer that requires brick dumpster screens as well. The
493 dumpster screens in the back here would be of brick construction and painted to match
494 the white color.
495

496 Mr. Branin - Have we received any notification from Innsbrook, who is the
497 association, the neighborhood association, if you will, for this? Are they comfortable with
498 their possible new neighbor?
499

500 Mr. Wilhite - Yesterday afternoon, we received a letter from Innsbrook
501 Owners Association on the architectural review. They've approved the building in
502 concept, but not the final design of the building. With their wording, they're looking for
503 an iconic building here at this corner. The concept they're in agreement with.
504

505 Mr. Branin - They know that this is a deviation from the standard
506 Innsbrook look and they're comfortable with it and they're accepting it.
507

508 Mr. Wilhite - In concept, yes. What their final design changes would be,
509 at this point we don't know.
510

511 Mr. Branin - Okay. All the other problems have been addressed with
512 VDOT?
513

514 Mr. Wilhite - VDOT is okay with it. The site issues have been resolved.
515 The other building, the retail building and coffee shop; staff finds that acceptable and in
516 conformance with the proffers.
517

518 Mr. Vanarsdall - Is this in accordance with the buildings on that? This is
519 across the street from Innsbrook. Is this in that group of buildings in there they're trying
520 to—
521

522 Mr. Wilhite - That group of buildings is part of the Innsbrook development.

523
524 Mr. Vanarsdall - Oh, it is.
525
526 Mr. Wilhite - The proffers address, essentially, the four buildings right
527 there at the very corner of West Broad Street and Cox Road.
528
529 Mr. Vanarsdall - When they went out there with that 7-Eleven, they had to
530 make exceptions with that. That 7-Eleven looks like no others.
531
532 Mr. Wilhite - Yes. Changes to blend in. Actually, we have had approved
533 POD's on this particular site before. There was a Fresh Chef that Innsbrook had
534 approved in 1996 and then Innsbrook Chicken in adjacent to that roughly where the
535 retail building and coffee shop's going to be. Those were approved in conformance with
536 the rest of the buildings there.
537
538 Mrs. Jones - Mr. Wilhite, did I understand you to say that staff is
539 recommending approval of this?
540
541 Mr. Wilhite - Staff is not making a recommendation.
542
543 Mr. Jernigan - I have a question. If Innsbrook is all right with this in concept
544 and we approve it, but they haven't okayed the final plans, what if they want changes
545 that we wouldn't approve?
546
547 Mr. Silber - That depends on what the scope of the changes would be.
548 Minor changes we may be able to accept. If they are substantial changes, then there
549 would be the need to possibly bring the architectural design back to the Planning
550 Commission.
551
552 Mr. Vanarsdall - We'll do some negotiating with them.
553
554 Mr. Jernigan - Normally, I would think that you would get the okay from the
555 Architectural Review Board of the complex that it's going in before it would come to the
556 Board.
557
558 Mr. Silber - I think in this case, Innsbrook is more or less comfortable
559 with this. In fact, they want a building that is iconic. They want one that looks very much
560 like a diner. They don't want to incorporate other design features that may take away
561 from the theme of a Silver Diner.
562
563 Mr. Vanarsdall - Because it is a diner.
564
565 Mr. Silber - That's correct. I think the challenge is that Innsbrook wants
566 to keep sort of the diner look, but the more you push it towards the diner look, the more
567 it conflicts with the proffered conditions. The proffers say that it needs to have a look
568 complimentary to the buildings that Kevin was showing earlier. That's where the

569 struggle is. The Planning Commission has some ability to approve something different
570 from the proffered conditions, but there are several tests that you have to apply in
571 making that decision. The proffers are fairly clear in determining compatibility and
572 complimentary design. Staff, I think, is pointing out some concerns here and that it's
573 really a call the Planning Commission should make.

574
575 Mr. Branin - For the sake of the other Commissioners, I'm going to ask
576 Mr. Silber to read the existing proffers, or Mr. Wilhite either. This is an interesting
577 project, at best. The County is fairly comfortable with this project. Innsbrook likes this
578 project. The proffers are written in a fashion that out of four different issues in proffers,
579 we, as Commissioners, have the ability—three out of four, correct? We have the ability
580 to approve it, because it's up to us. You heard the questions I was asking, trying to give
581 you guys as much information moving forward with this. There is a letter—if you'd pass
582 it down—to Wilton from Innsbrook stating that they prefer the diner look. It's how we
583 have to deal with getting there with existing proffers.

584
585 Mr. Jernigan - Let me explain where I'm at on this. It's not that I was
586 questioning. If you're comfortable—and it's in your district—I'm pretty much okay. What
587 Mr. Wilhite said is that if we approve something that's conceptual and then Innsbrook is
588 going to make changes on it, I'm feeling who has the last say? Do we have the last say
589 or does the Architectural Review Board have the last say? I would say that the County
590 has the last say.

591
592 Mr. Branin - Absolutely.

593
594 Mr. Jernigan - That's the only thing I was saying.

595
596 Mr. Branin - Here's the rabbit that I'm going to present to all. We need to
597 hear this case because the other building, the commercial piece of this project, is
598 exactly to proffer and meets everything. I'm going to let the applicant speak, but my
599 motion, for your benefit now, will be to approve everything else except the
600 architecturals.

601
602 Mr. Vanarsdall - I'd like to see it come there.

603
604 Mr. Branin - And defer that so we can get Innsbrook, the County, and
605 applicant all on the same page to move it forward strongly.

606
607 Mr. Vanarsdall - I think it would be an asset to Innsbrook. I'd like to see it
608 come there.

609
610 Mr. Branin - As would most.

611
612 Mr. Vanarsdall - I think anybody that ever ate in one would like it, too.
613 Mr. Branin - Could you go ahead and read those proffers?

614

615 Mr. Wilhite - Yes, they are quite extensive, but I'll start at the very
616 beginning. Item #2 is Architectural Considerations.

617
618 A. Hotel Building. Any hotel constructed on the property shall be of brick
619 construction, exclusive of windows, doors, and architectural design features, and shall
620 be similar in architectural appearance and treatment to the hotel building shown in the
621 drawing entitled "Broad Street, Cox Road, Mixed Use Study," prepared by CMSS
622 Architects, dated January 8, 1993 a copy of which is attached hereto as Exhibit B,
623 unless otherwise specifically requested and approved by the Planning Commission at
624 the time of Plan and Development review. Air conditioning units shall not protrude from
625 the windows or walls of any hotel constructed on the property.

626
627 The existing hotel meets that requirement.

628
629 B. Other Buildings. The exposed portion of each exterior wall surface (front, rear,
630 and sides) of any other building constructed on the property (excluding rooftop
631 screening materials for mechanical equipment) shall be similar to the exposed portions
632 of other exterior walls of such buildings in architectural treatments and materials. All
633 other buildings constructed on the property shall have exposed exterior walls (above
634 finished grade) of brick construction, exclusive of windows, doors, and architectural
635 design features unless different architectural treatment and/or materials are specifically
636 requested and approved at the time of Plan and Development review.

637
638 Mr. Branin - Okay, stop right there. Thank you. It calls for brick unless
639 we decide otherwise. Go ahead.

640
641 Mr. Wilhite - Okay.

642
643 C. Complimentary Architecture. The exterior materials and architectural design of
644 all buildings constructed on the property shall be coordinated with and be
645 complimentary to each other, generally as shown on Exhibit B, as determined by the
646 Planning Commission at the time of Plan and Development review.

647
648 D. Roof Type. Roof design and color of each building constructed on the property
649 and the canopy covering pump islands of any service station developed on the property
650 shall be compatible with the roof design and color of the Henrico County Library on
651 Innslake Drive and the Colonnade Building, generally as shown on Exhibit B.

652
653 Mr. Branin - I don't think that—

654
655 Mr. Silber - I think the only other pertinent proffer relates to the
656 screening of the trash receptacles, which indicates they must be brick covered
657 enclosures. That doesn't provide any allowance for Planning Commission deviation. I
658 believe the applicant is agreeable to making those brick. I guess, in summary, what Mr.
659 Wilhite has read is several tests that need to be complied with. Obviously, the hotel is
660 already built and that's not an issue. The Proffer 2B that related to it needs to be brick

661 construction, but the Planning Commission can consider other types of buildings
662 materials. You do have the ability to look at other building materials. C, I think, is the
663 one that causes staff some concern and we feel as though we need to have our legal
664 staff look at this. It deals with complimentary architecture and it indicates that the
665 architectural design of these buildings must be complimentary to each other, as
666 determined by the Planning Commission at the time of POD review. So, you'd need to
667 determine that this building is coordinated with and complimentary to these other
668 buildings that Kevin has been showing you and is found on the exhibit. That test may
669 be a little bit hard to deal with. The third one is the roof type, which indicates that the
670 roof design must be similar to the Library and Colonnade Building, which have green
671 standing seam roofs.

672
673 Those are the issues. There is no question about whether we prefer a Silver Diner here.
674 Everyone is comfortable with this restaurant, this use. We just need to work over the
675 challenges in the proffer conditions that exist on this property.

676
677 Mrs. Jones - I have a question unrelated to the design before we finish
678 and go to a vote. If you're still on the design, go ahead with that.

679
680 Mr. Jernigan - If we move this along, is it something that we can work out
681 administratively?

682
683 Mr. Silber - What staff is recommending is that the Commission act on
684 the site plan for both the Silver Diner and the adjoining retail buildings so they can move
685 forward on the site aspects, and will recommend approval of the architectural elevations
686 for the retail buildings, and recommend deferral of the architectural on the Silver Diner
687 until we have time to look at this further. There have been some changes in
688 architectural treatment just in the last day, so we'd like a chance to look at this a little
689 closer. We're comfortable with a two-week deferral, hoping to work things out in that
690 time.

691
692 Mr. Jernigan - That's fine.

693
694 Mrs. Jones - My question, if you don't mind, is about the tree save. Where
695 are we on that along Broad Street? All of the sidewalks have been agreed to, is that
696 correct?

697
698 Mr. Silber - Yes. Sidewalks were recommended by staff along West
699 Broad Street and Cox Road. The applicant is agreeable to do that. We have not gotten
700 the information yet on the tree save. There are only a few trees along this area. They
701 are large and mature at this point. A lot of it is based on the location of a utility
702 easement through the buffer area and trying to make sure that that easement itself is
703 not going to be located in a place where we could possibly save a tree there. That's
704 where that comment comes from.

705 Mr. Branin - Anybody else have any questions? None? Mr. Wilhite, don't
706 go far. May I hear from the applicant, please?

707
708 Mr. Grattan - Good morning, Mr. Chairman, members of the Commission.
709 My name is Stuart Grattan with Grattan and Associates.
710
711 Mr. Branin - You understand where I'm taking this, right, where I'm
712 steering this ship?
713
714 Mr. Grattan - I do. In listening to some of this, there was some confusion
715 as to where Innsbrook was. I just want to offer that Brian Menditto with the Innsbrook
716 Owner's Association is here today. He's the one that actually wrote and signed this
717 letter.
718
719 Mr. Branin - He is.
720
721 Mr. Grattan - He is. So, if you would like to hear from him—
722
723 Mr. Branin - I'd love to hear from him.
724
725 Mr. Menditto - Hello. I'm Brian Menditto with Highwood Properties. I work
726 as the property manager and agent for Innsbrook Owner's Association.
727
728 Mr. Branin - Good morning, Brian, how are you?
729
730 Mr. Menditto - Good morning.
731
732 Mr. Branin - Innsbrook, how are you guys with this project?
733
734 Mr. Menditto - We're on board with it. I'll just give you a little history. This
735 project, I guess, has been brewing for a while. We pulled together the total Board. Not
736 just the Architectural Board, but all the Board members. Rich Dobson here did a
737 presentation. We've gone through a couple presentations with them. Folks are on
738 board. It's a little different than what Innsbrook is all about, with the brick and the
739 standards and all, but it shows some good taste. We'd like to keep supporting it as the
740 project moves along.
741
742 Mr. Branin - And you are quite aware of all the proffers.
743
744 Mr. Menditto - Yes.
745
746 Mr. Branin - And the deviation.
747
748 Mr. Menditto - Yes. I know this is a conceptual plan and all, and we need
749 to see the final drawings and stuff, but we definitely like the look, the iconic look. At that
750 portion of Cox and Broad, it's a little bit different than as you get back into the Innsbrook
751 area and all. We feel like it would benefit the tenants, the customers that come into
752 Innsbrook. It gives them another option for food and stuff like that, services.

753
754 Mr. Branin - Mr. Silber, you have any questions?
755
756 Mr. Silber - I guess the only remaining question I have was in your letter,
757 which is dated yesterday. You've indicated that this meets your expectations for an
758 iconic-looking building on the site—and I bring this to your attention—which is different
759 from the original proffers on this parcel of land.
760
761 Mr. Menditto - I guess I was referring to—Understand that initially it should
762 have been a brick building and everything had to match what was there. I think being
763 able to put that building there along with the other retail spaces, we're willing to work
764 through those points. That's why I put that in there.
765
766 Mr. Silber - Okay.
767
768 Mr. Branin - Thank you, sir.
769
770 Mr. Menditto - Okay. Thank you.
771
772 Mr. Branin - Does anybody have any other questions for our applicant or
773 Mr. Wilhite?
774
775 Mr. Silber - I have no other comments. If the County determines or if the
776 Planning Commission determines that this is not complimentary to the proffered
777 conditions, then what would be necessary would be for a proffered condition to be
778 amended. I think that needs to be determined. If this is deferred for two weeks and if
779 that's the determination that comes forward, then we'll deal with that in two weeks. If
780 this is determined by the Planning Commission to be complimentary to and compatible
781 to, then the Commission can move that forward in two weeks. I think it would be good
782 to have two weeks to look at the drawings again and to talk to our legal staff and bring
783 the recommendation back to the Planning Commission.
784
785 Mr. Branin - Are the Commissioners comfortable with that?
786
787 Mr. Archer - I do have one question. In looking at the overall scope of the
788 project, what happens if the staff recommendations are not included in what we're trying
789 to do here today?
790
791 Mr. Branin - I'm sure—And we can ask the applicant about this. I believe
792 they are ready to go with the other building, the commercial building.
793
794 Mr. Grattan - We are at this time.
795
796 Mr. Branin - So, if for some reason this doesn't go, the Silver Diner, after
797 we hit stumbling blocks and—
798

799 Mr. Grattan - Yeah. I would presume through the process that we'd get a
800 POD approval. If someone applied for a building permit for the Silver Diner that doesn't
801 have architectural approved, it would not get a building permit.
802

803 Mr. Branin - If for some reason, the Silver Diner doesn't go into Innsbrook
804 at all....
805

806 Mr. Grattan - You all have the net there to catch this. If you all don't
807 approve the architecture, it can hold up a building permit, so it won't be built.
808

809 Mr. Branin - And something else will go in there.
810

811 Mr. Grattan - It would need architectural approval, I guess.
812

813 Mr. Branin - Okay.
814

815 Mr. Archer - I just wanted to make sure it wouldn't put the whole thing in
816 jeopardy.
817

818 Mr. Branin - I don't believe it is.
819

820 Mr. Archer - Okay.
821

822 Mr. Branin - Can you answer that, Mr. Grattan? The other building isn't
823 contingent on the Silver Diner.
824

825 Mr. Grattan - It should not be. The POD is not phased.
826

827 Mr. Branin - I think where Mr. Archer is going with this is if there is a
828 problem down the line and for some reason the Silver Diner doesn't go, it's not going to
829 hold up the other building.
830

831 Mr. Grattan - Let me defer.
832

833 Mr. Johnson - I'm Rich Johnson, president of Wilton. Good morning. I
834 didn't know we would get into this much discussion, but based on the scope of the
835 project and the size of it, if the Silver Diner does not go forward, the other buildings will
836 not go forward as well. The site is small enough and the project small enough that the
837 mobilization cost to build just the 9,000-square-foot building plus the 2,000-square-foot
838 coffee shop, or 11,000 feet, trying to do that and then remobilize to do another
839 transaction on the corner, this site would be so burdened with construction and so forth
840 that we would do it all or do it none. I think that was the essence of your question. The
841 only portion that's pre-leased is the Silver Diner portion. The balance of it would be build
842 as speculative space. Although we have some obviously good prospects for it, we
843 haven't signed any leases on that because the key anchor to the situation is the Silver
844 Diner on the corner.

845
846 Mr. Branin - Okay, thank you. Any other questions? Okay. Mr. Silber,
847 any questions?

848
849 Mr. Silber - No sir.

850
851 Mr. Branin - All right. I would like to move to approve POD-34-07, Wilton
852 Square, the entire site plan and architectural elevations for the retail building. However,
853 I move for a deferral of the architectural elevations for the Silver Diner portion only to
854 the July 12th meeting.

855
856 Mr. Jernigan - Second.

857
858 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Jernigan. All in
859 favor say aye. All opposed say no. The ayes have it, the motion carries.

860
861 The Planning Commission approved POD-34-07, Wilton Square (site plan and
862 architectural elevations for the retail building only) subject to annotations on the plans,
863 the standard conditions attached to these minutes for developments of this type, and
864 the following additional conditions:

- 865
866 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
867 Planning for review and Planning Commission approval prior to the issuance of
868 any occupancy permits.
- 869 24. The right-of-way for widening of W. Broad Street (U.S. Route 250) and Cox Road
870 as shown on approved plans shall be dedicated to the County prior to any
871 occupancy permits being issued. The right-of-way dedication plat and any other
872 required information shall be submitted to the County Real Property Agent at
873 least sixty (60) days prior to requesting occupancy permits.
- 874 25. The easements for drainage and utilities as shown on approved plans shall be
875 granted to the County in a form acceptable to the County Attorney prior to any
876 occupancy permits being issued. The easement plats and any other required
877 information shall be submitted to the County Real Property Agent at least sixty
878 (60) days prior to requesting occupancy permits.
- 879 26. The developer shall provide fire hydrants as required by the Department of Public
880 Utilities and Division of Fire.
- 881 27. A concrete sidewalk meeting County standards shall be provided along the north
882 side of W. Broad Street (U. S. Route 250) and the east side of Cox Road.
- 883 28. Outside storage shall not be permitted.
- 884 29. The proffers approved as a part of zoning cases C-2C-93 and C-61C-95 shall be
885 incorporated in this approval.
- 886 30. The developer shall install an adequate restaurant ventilating and exhaust
887 system to minimize smoke, odors, and grease vapors. The plans and
888 specifications shall be included with the building permit application for review and
889 approval. If, in the opinion of the County, the type system provided is not

890 effective, the Commission retains the rights to review and direct the type of
891 system to be used.

892 31. The certification of building permits, occupancy permits and change of
893 occupancy permits for individual units shall be based on the number of parking
894 spaces required for the proposed uses and the amount of parking available
895 according to approved plans.

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

899 33. Evidence of a joint ingress/egress and maintenance agreement must be
900 submitted to the Department of Planning and approved prior to issuance of a
901 certificate of occupancy for this development.

902 34. The location of all existing and proposed utility and mechanical equipment
903 (including HVAC units, electric meters, junction and accessory boxes,
904 transformers, and generators) shall be identified on the landscape plans. All
905 equipment shall be screened by such measures as determined appropriate by
906 the Director of Planning or the Planning Commission at the time of plan approval.

907
908 The Planning Commission deferred POD-34-07, Wilton Square (architectural elevations
909 for the Silver Diner only), to its July 12, 2007 meeting.

910 **SUBDIVISION**

911 SUB-17-07 **Grattan Associates for Sharon J. Kendall:** The 8.47-
912 Nature's Way (June 2007 Plan) acre site proposed for a subdivision of 8, single-family
Harmony and Telegraph Roads homes is located at the terminus of Harmony and
Telegraph Roads, 10100 Telegraph Road, on parcels 785-765-3846 and 784-765-7757. The zoning is R-2A, One-Family Residence District. County water and sewer. **(Fairfield) 8 Lots**

913
914 Mr. Branin - Is anyone in opposition to SUB-17-07, Nature's Way (June
915 2007 Plan)? No one?

916
917 Mr. Garrison - Good morning. Nature's Way is a subdivision at the
918 terminus of Telegraph Road. Just handed to you is a revised plan that shows the
919 turnaround at the end of Telegraph Road and elimination of the common area. Staff
920 has annotated the plan to show a no ingress/egress planting strip addition to the
921 proposed Triple Woods Court.

922
923 Yesterday afternoon, Stuart Grattan indicated that the owner does not wish to provide
924 common areas as originally proposed and the former pond and area previously shown
925 as common area will be incorporated with Lot #7, which contains the existing dwelling.
926 Should the dam ever be rebuilt and the pond is reestablished, the property owner would
927 need to meet Public Works requirements; however, to date, Mr. Grattan and Ms. Kendal

928 are not sure whether repairing the dam is a practical option and are not ready to commit
929 to stating one way or the other.

930
931 Should the Commission act on this request and waive the time limits, staff recommends
932 that condition #15 and #16 in your addendum be deleted, as they are no longer
933 applicable. In addition to the standard conditions for subdivisions served by public
934 utilities, the additional conditions on the agenda, and condition #17 in your addendum,
935 staff can recommend approval. Staff and representatives of the applicant are available
936 to answer any questions you may have.

937
938 Mr. Branin - Thank you, Mr. Garrison. Mr. Archer?

939
940 Mr. Archer - Mr. Garrison, when you and I talked yesterday, there were
941 some items that in your mind were sort of holding up approval of this project. Do these
942 three conditions take care of what you were concerned about?

943
944 Mr. Garrison - The two conditions, 15 and 16 that are in your addendum,
945 won't apply because the existing dam and pond area will be owned by Ms. Kendall. So,
946 the only condition that would apply is the turnaround at the terminus of Telegraph Road.

947
948 Mr. Silber - Correct me if I'm wrong, Mr. Garrison, but I think what's
949 happened is this pond and dam were going to be associated with a common area, and
950 are now being changed so this would be part of a lot. Therefore, we no longer need
951 conditions 15 and 16 that are on your addendum. I think with this area that was
952 common area now being incorporated into a lot addresses some of staff's concerns and
953 issues. It's eliminated a need for a couple of addendum conditions. The only one that
954 would apply would be #17 that I guess would become #15.

955
956 Mr. Archer - Okay. That's a little bit confusing for me, so I'm sure it is for
957 everybody else. I guess one of the major issues that Greg and I talked about was
958 having site amenities, and that in his mind, if the pond were reconstructed, that would
959 be considered a common area amenity. Are we satisfied with what we've got left now?

960
961 Mr. Garrison - Since there is no common area, there won't be any
962 amenities provided.

963
964 Mr. Archer - Okay. And we can't get any, any other way, I suppose, then.

965
966 Mr. Silber - Right. I think with the size of this subdivision (eight lots), I
967 think amenities would be nice, but I don't think it's imperative.

968
969 Mr. Archer - It's not a deal-breaker.

970
971 Mr. Silber - Right.

972 Mr. Branin - That was kind of what my thought was. It's not a huge
973 subdivision. The shape of it is quite odd. The ingress/egress issue we discussed
974 yesterday. That's been taken care of.
975
976 Mr. Garrison - Yes.
977
978 Mr. Archer - Okay.
979
980 Mr. Branin - All right. Do you need to hear from the applicant?
981
982 Mr. Archer - I don't think so. I don't know of anything else Mr. Grattan
983 could tell us.
984
985 Mr. Branin - That's great.
986
987 Mr. Archer - My motion, then, would not include items 15 and 16 on the
988 addendum?
989
990 Mr. Silber - That's correct.
991
992 Mr. Branin - Does he need to waive time limits?
993
994 Mr. Garrison - Yes, waiver of time limits is needed.
995
996 Mr. Archer - Okay. Mr. Grattan, do you have anything you need to say?
997
998 Mr. Grattan - This is Stuart Grattan with Grattan Associates. Sounds like
999 you're ready to approve. I don't want to mess that up.
1000
1001 Mr. Branin - Mr. Grattan, you've learned.
1002
1003 Mr. Grattan - It's taken a while.
1004
1005 Mr. Branin - Classic conversations we've had.
1006
1007 Mr. Archer - Okay. Well, Mr. Chairman, with that, let me first move for
1008 approval of the revised plan that we received this morning.
1009
1010 Mr. Wright - Second.
1011
1012 Mr. Branin - Motion made by Mr. Archer, seconded by Mr. Jernigan. All in
1013 favor say aye. All opposed say no. The ayes have it, the motion carries.
1014
1015 Mr. Archer - I meant to say time limits. And also I would move for
1016 approval of SUB-17-07, Nature's Way (June 2007 Plan), subject to staff
1017 recommendations, standard conditions for subdivisions served by public utilities, and

1018 the additional conditions 12, 13, 14, and #17 on the addendum, with the elimination of
1019 15 and 16.

1020
1021 Mr. Vanarsdall - Second.

1022
1023 Mr. Branin - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
1024 in favor say aye. All opposed say no. The ayes have it, the motion carries.

1025
1026 The Planning Commission granted conditional approval to SUB-17-07, Nature's Way
1027 (June 2007 Plan), subject to the standard conditions attached to these minutes for
1028 subdivisions served by public utilities, the annotations on the plans and the following
1029 additional conditions:

- 1030
- 1031 12. The detailed plant list and specifications for the landscaping to be provided within
1032 the 25-foot-wide planting strip easement along the future Trivett Woods Court
1033 shall be submitted to the Department of Planning for review and approval prior to
1034 recordation of the plat.
 - 1035 13. Any necessary offsite drainage easements must be obtained prior to approval of
1036 the construction plan by the Department of Public Works.
 - 1037 14. Prior to requesting the final approval, a draft of the covenants and deed
1038 restrictions for the maintenance of the common area by a homeowners
1039 association shall be submitted to the Department of Planning for review. Such
1040 covenants and restrictions shall be in a form and substance satisfactory to the
1041 County Attorney and shall be recorded prior to recordation of the subdivision plat.
 - 1042 ~~15. **ADDED** — The pond shall be replaced to Department of Public Works current~~
1043 ~~standards or the breached area shall be graded and stabilized to restore original~~
1044 ~~stream flows.~~
 - 1045 ~~16. **ADDED** — Should the pond be repaired to current Department of Public Works~~
1046 ~~standards, a dam breach analysis shall be submitted for review and approval to~~
1047 ~~the Director of Public Works.~~
 - 1048 17. **ADDED** - A turn-around shall be constructed at the terminus of Telegraph Road
1049 as required by the Director of Public Works.
- 1050

1051 **PLAN OF DEVELOPMENT**

1052
POD-36-07
American Child Care @
Towne Center West –
W. Broad Street

Balzer & Associates, Inc. for Towne Center West, LLC and American Child Care Properties: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 14,000 square foot child care facility in an existing shopping center. The 1.37-acre site is located along the east line of Towne Center West Boulevard (private), approximately 325 feet north of W. Broad Street (U.S. Route 250), on parcel 735-764-3923. The zoning is B-2C, Business District (Conditional) and WBSO, West Broad Street Overlay District. County water

and sewer. **(Three Chopt)**

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Mr. Branin - Is anyone in opposition to POD-36-07, American Child Care @ Towne Center West? No one. Mr. Wilhite, you're on again. They're wearing you out today, aren't they?

Mr. Wilhite - Thank you. We had revised architectural plans submitted to us last week. There is a proffered requirement on the site that requires all buildings to have at least 35% brick on their facades. The applicant had to add additional brick to meet that requirement. Staff has looked at the revised plan. We do have some suggested changes. We have discussed this with the applicant and they appear to be in agreement. We just handed out the plan that we received to you. The brick that was added is along the south elevation, which is the upper elevation here. The brick is actually underneath an overhang, a veranda. It's recessed behind the veranda. In front of the veranda is actually the playground, the play area with the play equipment and various shade structures. In front of this, is located the Ethan Allen building. This entire site is actually about 15 feet below the West Broad Street grade, so the area where brick was added to meet the requirement is actually in an area that's probably not going to be very visible. What staff wanted to do was to relocate the extra brick to an area that was going to be more visible, and what we've proposed is that all the brick underneath this veranda, except for a brick base, be relocated to this north elevation. The bottom half of this would be brick, where it shows EIFS right now. Actually, this area is going to be more visible from the access drives that run through Town Center West Shopping Center.

With that, staff can recommend approval of the site plan and the revised architectural plans with staff annotations.

Mr. Branin - Would you mind going through one more time the moving of the brick? It's moving from where to where?

Mr. Wilhite - Yes. Where the brick was added was along the south elevation. This is facing Broad Street. However, it's behind Ethan Allen and below the West Broad Street grade and a playground is in front of this. We don't think it's going to be very visible from most vantage points. What we've asked them to do is except for a brick base that matches the base of the columns, that the brick that was added to this south façade be moved to the north façade at the bottom here of this half showing on the screen. This area is going to be more visible from the interior drives within Town Center West. We think from the aesthetic standpoint, that would be a more beneficial application.

Mr. Branin - Okay. Thank you. Does anybody have any questions for Mr. Wilhite? None? Does anybody need to hear from the applicant? None? Okay. Do I have to waive time limits?

Mr. Wilhite - No, we received these plans last week.

1098
1099 Mr. Branin - All right. Then I would like to move for approval of POD-36-
1100 07, American Child Care @ Towne Center West with conditions 24 through 32. I didn't
1101 have any additional conditions.

1102
1103 Mr. Vanarsdall - Second.

1104
1105 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All
1106 in favor say aye. All opposed say no. The ayes have it, the motion carries.

1107
1108 The Planning Commission approved POD-36-07, American Child Care @ Towne
1109 Center West subject to annotations on the plans, the standard conditions attached to
1110 these minutes for developments of this type, and the following additional condition(s):

- 1111
1112 24. The easements for drainage and utilities as shown on approved plans shall be
1113 granted to the County in a form acceptable to the County Attorney prior to any
1114 occupancy permits being issued. The easement plats and any other required
1115 information shall be submitted to the County Real Property Agent at least sixty
1116 (60) days prior to requesting occupancy permits.
- 1117 25. The developer shall provide fire hydrants as required by the Department of Public
1118 Utilities and Division of Fire.
- 1119 26. Outside storage shall not be permitted.
- 1120 27. The proffers approved as a part of zoning case C-49C-04 shall be incorporated in
1121 this approval.
- 1122 28. Deviations from County standards for pavement, curb or curb and gutter design
1123 shall be approved by the County Engineer prior to final approval of the
1124 construction plans by the Department of Public Works.
- 1125 29. The conceptual master plan for additional parking, as submitted with this
1126 application, is for planning and information purposes only. All subsequent
1127 detailed plans of development and construction plans needed to implement this
1128 conceptual plan may be administratively reviewed and approved and shall be
1129 subject to all regulations in effect at the time such subsequent plans are
1130 submitted for review/approval.
- 1131 30. The ground area covered by all the buildings shall not exceed in the aggregate
1132 25 percent of the total site area.
- 1133 31. No merchandise shall be displayed or stored outside of the building(s) or on
1134 sidewalk(s).
- 1135 32. The location of all existing and proposed utility and mechanical equipment
1136 (including HVAC units, electric meters, junction and accessory boxes,
1137 transformers, and generators) shall be identified on the landscape plans. All
1138 equipment shall be screened by such measures as determined appropriate by
1139 the Director of Planning or the Planning Commission at the time of plan approval.
- 1140

1141 **PLAN OF DEVELOPMENT**

1142

POD-40-07
Steeple Chase, Sections
3 and 4 – N. Laburnum
Avenue and Steeple Lane

Bay Design Group, P.C. for Steeple Land Development, LLC and Community Development Partners, Inc.: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct Section 3 consisting of 24, single-family detached residences on zero lot lines and Section 4 consisting of 10, two-story townhouse units for sale. The 9.613-acre site is located on west line of N. Laburnum Avenue and the east line of E. Richmond Road approximately 550 feet north of the intersection of N. Laburnum Avenue and Steeple Lane on parcels 809-724-5973 and 809-724-8062. The zoning is R-5, General Residence District, R-5C, General Residence District (Conditional) and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina)**

1143

1144 Mr. Branin - Is anyone in opposition to POD-40-07, Steeple Chase,
1145 Sections 3 and 4? There's only one person left other than staff. Good morning, Mr.
1146 Kennedy.

1147

1148 Mr. Kennedy - Good morning. I'm battling cleanup. A revised plan was
1149 submitted yesterday to address staff's concerns regarding the lot width of Lot 54. That's
1150 the lot at the end of the cul-de-sac with the zero lot lines. It's this lot here. As you can
1151 see, it's kind of an awkward-shaped lot. The revised plan has been annotated by staff
1152 to show how the lot lines can be revised to make Lot 54 and 55 standard lots and satisfy
1153 lot widths. Staff has figured out how to make this work, actually correct it. The revised
1154 plan is actually annotated and is in your packet. It shows how the houses will line up.
1155 The houses would actually line up even though those lots are kind of awkward. Staff
1156 feels as long as they line up and are in good relationship with other, we can recommend
1157 approval. Therefore, we're recommending approval with the additional condition 42,
1158 which would require the applicant to revise the plan as annotated by staff.

1159

1160 Staff recommends approval of the plan, subject to annotations on the plans, standard
1161 conditions of developments of this type, conditions 24 through 41 on the agenda, and
1162 condition #42 on the addendum. The applicant has agreed with staff's
1163 recommendations. Since the plan was submitted after last Friday's deadline, a waiver of
1164 time limits is required.

1165

1166 Condition 42 shall read, "The plat shall be revised as annotated, to make lots 54 and 55
1167 standard lots and to provide adequate lot width for both lots prior approval of final
1168 construction plans."

1169

1170 Mr. Branin - Does anybody have any other questions for Mr. Kennedy?

1171

1172 Mr. Jernigan - Mr. Kennedy, on the zoning case for this, how many
1173 townhouses could they have?
1174
1175 Mr. Kennedy - Sixty-eight, because actually townhouses... The
1176 townhouse....
1177
1178 Mr. Silber - Are you talking about townhouses, only the townhouse
1179 portion?
1180
1181 Mr. Jernigan - Excuse me. That property was already zoned.
1182
1183 Mr. Kennedy - The townhouses were already zoned.
1184
1185 Mr. Jernigan - So, that was already zoned R-5. I thought they could
1186 have 18, but they're only requesting 10.
1187
1188 Mr. Kennedy - Right. On the other side of the creek, if you see here on the
1189 plan, this creek here, the previous sections, Sections 1 and 2 are here. This is Sections
1190 3 and 4.
1191
1192 Mr. Jernigan - I'm straight. That's all I have. I don't have any more
1193 questions.
1194
1195 Mr. Branin - None?
1196
1197 Mr. Jernigan - No. I was miscalculating. That's all right.
1198
1199 Mr. Branin - Okay. Would you like to hear from the applicant?
1200
1201 Mr. Jernigan - No, I'm fine.
1202
1203 Mr. Branin - Well, then I'll be happy to entertain a motion.
1204
1205 Mr. Jernigan - Mr. Kennedy worked this out so well, we're going to save the
1206 applicant from having to come up and explain anything. All right. First of all, I would like
1207 to waive the time limits for POD-40-07, Steeple Chase, Sections 3 and 4.
1208
1209 Mr. Vanarsdall - Second.
1210
1211 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall.
1212 All in favor say aye. All opposed say no. The ayes have, the motion carries.
1213
1214 Mr. Jernigan - With that, I will move for approval of POD-40-07, Steeple
1215 Chase, Sections 3 and 4 on North Laburnum, subject to the conditions for
1216 developments of this type and the following additional conditions #24 through 41 and
1217 #42 on the addendum.

1218 Mr. Vanarsdall - Second.

1219

1220 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall.
1221 All in favor say aye. All opposed say no. The ayes have it, the motion carries.

1222

1223 The Planning Commission approved POD-40-07, Steeple Chase, Sections 3 and 4
1224 subject to annotations on the plans, the standard conditions attached to these minutes
1225 for developments of this type, and the following additional conditions:

1226

1227 24. The subdivision plat for Steeple Chase shall be recorded before any building
1228 permits are issued.

1229 25. The right-of-way for widening of Laburnum Avenue and E. Richmond Road as
1230 shown on approved plans shall be dedicated to the County prior to any
1231 occupancy permits being issued. The right-of-way dedication plat and any other
1232 required information shall be submitted to the County Real Property Agent at
1233 least sixty (60) days prior to requesting occupancy permits.

1234 26. The easements for drainage and utilities as shown on approved plans shall be
1235 granted to the County in a form acceptable to the County Attorney prior to any
1236 occupancy permits being issued. The easement plats and any other required
1237 information shall be submitted to the County Real Property Agent at least sixty
1238 (60) days prior to requesting occupancy permits.

1239 27. The limits and elevations of the 100-year frequency flood shall be conspicuously
1240 noted on the plan "Limits of 100 Year Floodplain." In addition, the delineated
1241 100-year floodplain must be labeled "Variable Width Drainage and Utility
1242 Easement." The easement shall be granted to the County prior to the issuance of
1243 any occupancy permits.

1244 28. The developer shall provide fire hydrants as required by the Department of Public
1245 Utilities and Division of Fire.

1246 29. Prior to issuance of a certificate of occupancy for any building in this
1247 development, the engineer of record shall certify that the site has been graded in
1248 accordance with the approved grading plans.

1249 30. A concrete sidewalk meeting County standards shall be provided along
1250 Laburnum Avenue.

1251 31. Windows on the zero lot line side of the dwelling can only be approved with an
1252 exception granted by the Building Official and the Director of Planning during the
1253 building permit application process.

1254 32. The proffers approved as a part of zoning case C-20C-06 shall be incorporated in
1255 this approval.

1256 33. Any necessary off-site drainage and/or water and sewer easements must be
1257 obtained in a form acceptable to the County Attorney prior to final approval of the
1258 construction plans.

1259 34. Deviations from County standards for pavement, curb or curb and gutter design
1260 shall be approved by the County Engineer prior to final approval of the
1261 construction plans by the Department of Public Works.

1262 35. The pavement shall be of an SM-2A type and shall be constructed in accordance
1263 with County standard and specifications. The developer shall post a defect bond

1264 for all pavement with the Department of Planning - the exact type, amount and
1265 implementation shall be determined by the Director of Planning, to protect the
1266 interest of the members of the Homeowners Association. The defect bond shall
1267 remain in effect for a period of three years from the date of the issuance of the
1268 final occupancy permit. Prior to the issuance of the last Certificate of Occupancy,
1269 a professional engineer must certify that the roads have been designed and
1270 constructed in accordance with County standards.

1271 36. Storm water retention, based on the 50-10 concept, shall be incorporated into the
1272 drainage plans.

1273 37. Insurance Services Office (ISO) calculations must be included with the plans and
1274 contracts and must be approved by the Department of Public Utilities prior to the
1275 issuance of a building permit.

1276 38. Approval of the construction plans by the Department of Public Works does not
1277 establish the curb and gutter elevations along the Henrico County maintained
1278 right-of-way. The elevations will be set by Henrico County.

1279 39. The location of all existing and proposed utility and mechanical equipment
1280 (including HVAC units, electric meters, junction and accessory boxes,
1281 transformers, and generators) shall be identified on the landscape plans. All
1282 equipment shall be screened by such measures as determined appropriate by
1283 the Director of Planning or the Planning Commission at the time of plan approval.

1284 40. The unit house numbers shall be visible from the parking areas and drives.

1285 41. The names of streets, drives, courts and parking areas shall be approved by the
1286 Richmond Regional Planning District Commission and such names shall be
1287 included on the construction plans prior to their approval. The standard street
1288 name signs shall be installed prior to any occupancy permit approval.

1289 42. **ADDED** - The plat shall be revised as annotated, to make lots 54 and 55
1290 standard lots and to provide adequate lot width for both lots prior approval of final
1291 construction plans.

1292
1293 Mr. Branin - Mr. Kennedy, thank you so much. You did a great job, sir.

1294
1295 Mr. Silber - Next on the agenda would be consideration of your minutes
1296 from the May 23, 2007 meeting.

1297
1298 Mrs. Jones - I move approval.

1299
1300 Mr. Vanarsdall - Second.

1301
1302 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr. Vanarsdall.
1303 All in favor say aye. All opposed say no. The ayes have it, the motion carries.

1304
1305 Mr. Jernigan - That was so quick.

1306
1307 Mr. Branin - Mr. Archer, did you have anything to add? Okay, we're
1308 done.

1309 Mr. Vanarsdall - I'll tell you why that was so quick. It's in the morning paper
1310 that in Japan, they can run a movie off in two seconds or two minutes when you want to
1311 copy one, and it takes us two hours in the United States. So, they want the United
1312 States to speed up. That's the reason I seconded so quickly.
1313
1314 Mr. Jernigan - Oh, okay.
1315
1316 Mrs. Jones - Thank you.
1317
1318 Mr. Branin - Okay. Mr. Secretary, do you have a couple of other
1319 comments.
1320
1321 Mr. Silber - I have two short comments. One is that I wanted to introduce
1322 a summer intern that we have with us today. Scott, if you could please stand. This is
1323 Scott Ruz. Is that how you pronounce your name, Scott?
1324
1325 Mr. Ruz - It's Ruz.
1326
1327 Mr. Silber - Russ. Thank you. He is an intern. He is studying urban
1328 planning at Virginia Tech. He's with us for the summer and working very hard and
1329 doing a great job for us. So, he's here watching the Planning Commission in action.
1330
1331 Mr. Branin - Good to meet you, Scott. Welcome.
1332
1333 Mr. Vanarsdall - Where are you from?
1334
1335 Mr. Ruz - Mechanicsville.
1336
1337 Mr. Vanarsdall - Welcome.
1338
1339 Mr. Silber - Thanks, Scott. The final comment I wanted to make is that at
1340 the last Planning Commission meeting, there was some question about motions and
1341 seconds. Mr. Vanarsdall had asked us to see if we could get to the bottom of that, to
1342 see if we can't find a way of avoiding that confusion in the future. I think the past
1343 practice has been that we require a motion and a second on all items. If there is not a
1344 second, then typically that motion drops and a second motion is requested. I will be
1345 meeting with our attorney to see if he can provide us with some guidance on that. If we
1346 do want to stay with the past practice, what I would probably recommend is that we put
1347 this into the Planning Commission Rules and Regulations so we can be straight on this
1348 in the future. I wanted to let you know that we're working on that and will be bringing
1349 something back to you shortly.
1350
1351 Mr. Jernigan - I believe that when we looked into it, was it you telling us or
1352 somebody else, that when you have panels of under 12, that you don't need a—In
1353 *Robert's Rules of Order*, you do not need a second if you have less than 12 members
1354 on the panel.

1355 Mr. Silber - That's correct. *Robert's Rules of Order* has two different
1356 procedures, one for large meetings and one for small meetings. Those requirements are
1357 different depending on the size of the meeting. At the same time, it is my understanding
1358 that the Planning Commission doesn't have to specifically follow the *Robert's Rules of*
1359 *Order*. We can use, perhaps, the past practice of requiring seconds on all motions. If
1360 that is the case, then I would probably suggest that we also have a motion and a
1361 second to approve the minutes, as well as adjourning. We would like to be consistent in
1362 everything we do as far as having a motion and a second.
1363
1364 Mr. Vanarsdall - I agree wholeheartedly with that. I think we've been doing it
1365 for a century and I don't see any reason to drop it.
1366
1367 Mrs. Jones - I do think we need to be clear and all agree on what the
1368 system is.
1369
1370 Mr. Vanarsdall - I think it looks better. Some of the people, as you know, say
1371 everything is cut-and-dry anyway. Just to have a motion and just vote on it goes pretty
1372 quick. I think a second is much better. I think it should stay there and I think we should
1373 put it in the rules and regulations, because it's not in there now.
1374
1375 Mr. Silber - That's correct.
1376
1377 Mr. Jernigan - The only thing I see is if you have to have a second to vote
1378 on something, the perception sometimes in the audience is that if you second a motion,
1379 you're in favor of it. Maybe we should explain that. If we do go to where we still have to
1380 have a second, the Chairman may say, "We have to have a second to vote on it." You
1381 may be reluctant, especially if you have a big crowd out here that when you say, "I'll
1382 second the motion," it appears that you're in favor of it.
1383
1384 Mr. Vanarsdall - That's not the way to do it.
1385
1386 Mr. Jernigan - That's not the way we do it, but those people don't realize
1387 that.
1388
1389 Mr. Vanarsdall - This is the way you do it. You say, "I'm going to second it
1390 only to get it on the floor," and they know right then you may not be for it.
1391
1392 Mr. Jernigan - Exactly.
1393
1394 Mr. Vanarsdall - We've done that before in the past.
1395
1396 Mr. Silber - Well, if you'll allow us time to take a look at this, we'll bring
1397 back a recommendation for you all. I appreciate your patience. I have no other
1398 business. Maybe if we have a motion and a second to adjourn.
1399
1400 Mr. Jernigan - I don't think you need a motion to adjourn.

1401 Mr. Branin - Oh, no, no, no. You will have a motion and a second.

1402

1403 Mr. Vanarsdall - I move for adjournment.

1404

1405 Mrs. Jones - Second.

1406

1407 Mr. Branin - Motion made by Mr. Archer, seconded by Mrs. Jones. All in
1408 favor say aye. All opposed say no. The ayes have it, the motion carries. Meeting is
1409 adjourned.

1410

1411 On a motion by Mr. Vanarsdall and seconded by Mrs. Jones, the Planning Commission
1412 adjourned its meeting at 10:06 a.m.

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Tommy Branin, Chairman

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Randall R. Silber, Secretary