Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held in the Board Room of the County Administration Building in the Government Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, March 30, 2005.

Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairperson (Brookland)  
Mr. C. W. Archer, C.P.C., Vice Chairperson (Fairfield)  
Mr. Tommy Branin (Three Chopt)  
Mr. David A. Kaechele, (Three Chopt) Board of Supervisors Representative  
Mr. Randall R. Silber, Director of Planning, Secretary

Members Absent: Mr. E. Ray Jernigan, C.P.C. (Varina)  
Mrs. Bonnie-Leigh Jones, (Tuckahoe)

Others Present: Mr. David D. O’Kelly, Jr., Assistant Director of Planning  
Ms. Leslie A. News, CLA, Principal Planner  
Mr. James P. Strauss, CLA, County Planner  
Mr. E. J. (Ted) McGarry, III, 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. Michael P. Cooper, County Planner  
Mr. Tony Greulich, County Planner  
Mr. Michael Jennings, Assistant Traffic Engineer  
Ms. Diana B. Carver, Recording Secretary

Mr. Vanarsdall - Good morning, everybody. The Planning Commission will now come to order. We have two of our Planning Commissioners absent today. They are both on vacation, Ray Jernigan, from the Varina District, and Bonnie-Leigh Jones, from the Tuckahoe District. We have a quorum and we can do business, as Mr. Secretary will tell you, and we are glad to see everybody, and I will turn the meeting over to Mr. Silber, who is the Secretary.

Mr. Silber - Thank you, Mr. Chairman. Are these mikes working? Can you hear us? Could you hear the Chairman speaking? OK. Thank you. Thank you, Mr. Chairman, members of the Commission. Before we get started I wanted to introduce a new staff member that we have with Henrico County’s Planning Department. You may recall that Christina Goggin was promoted a couple of months ago and we have now filled her position. A County Planner I has joined us. Tony could you stand, please? This is Tony Greulich who is coming to us from the Town of Ashland. Tony is in the Development Review and Design Division. He has an undergraduate degree in geography from Penn State and he has earned his Master’s degree from VCU in Urban and Regional Planning. So, he is on board as of two days ago, so I just wanted to introduce him to the Planning Commission. He will be handling PODs and subdivisions. You will see him at the daytime meetings very soon making presentations.

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Mr. Vanarsdall - Glad to have you. Hope you are a fast learner. We need you.

Thank you.

Mr. Silber - Thank you very much. Next on the Agenda would be the deferrals and withdrawals. Mrs. News, could you help us with those, please.

Mrs. News - Thank you, Mr. Secretary. Good morning, Mr. Chairman and members of the Commission. Staff is aware of two requests for deferrals. The first is on Page 8 in your Agenda and is located in the Varina District.

PLAN OF DEVELOPMENT

POD-19-05
Cesare’s Restaurant @ New Market Square Shopping Center – New Market Road (POD-84-96 Revised)

Balzer & Associates, Inc. for Citizens & Farmers Bank and Richard K. Perkins: Request for approval of a revised plan of development for a shopping center as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 4,461 square foot restaurant. The 1.20-acre site is located at the southwest intersection of New Market Road and Strath Road in the New Market Square Shopping Center on parcels 815-686-1020 and 8284. The zoning is B-1C, Business District (Conditional). County water and sewer. (Varina)

The applicant is requesting a deferral until the April 27, 2005 meeting.

Is there anyone in the audience in opposition to POD-19-05 deferral? No opposition.

Mr. Archer - Mr. Chairman, I move deferral of POD-19-05, Cesare’s Restaurant @ New Market Square Shopping Center, until the April 27, 2005, at the request of the applicant.

Second. Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

At the request of the applicant, the Planning Commission deferred POD-19-05, Cesare’s Restaurant @ New Market Square Shopping Center – New Market Road (POD-84-96 Revised) to its meeting on April 27, 2005.

The next request is on Page 12 of your agenda and is located in the Tuckahoe District.
PLAN OF DEVELOPMENT (Deferred from the November 17, 2004, Meeting)

POD-68-02
Blackwood Retail - Glen Eagles Shopping Center –
10410 Ridgefield Parkway

Balzer & Associates, Inc. for Richfield Associates, 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 6,600 square foot building addition in an existing shopping center. The 0.90-acre site is located on the northwest corner of Ridgefield Parkway and Eagles View Drive in the Glen Eagles Shopping Center on part of parcel 740-500-0178. The zoning is B-2C, Business District (Conditional). County water and sewer. (Tuckahoe)

Mrs. News - The applicant has requested a deferral until the September 28, 2005 meeting.

Mr. Vanarsdall - Is anyone in the audience in opposition to the deferment of this case, POD-68-02, in the Tuckahoe District? No opposition. I move that POD-68-02, Blackwood Retail – Glen Eagles Shopping Center, be deferred until September 28, 2005, at the applicant’s request.

Mr. Archer - Second.

Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

At the request of the applicant, the Planning Commission deferred POD-68-02, Blackwood Retail-Glen Eagles Shopping Center – 10410 Ridgefield Parkway, to its meeting on September 28, 2005.

Mr. Silber - Any other deferrals?

Mrs. News - That is all we have.

Mr. Silber - Next on the agenda are those items up for Expedited consideration. These plans, for the benefit of those here today, these are plans that, at this point in time, we know of no outstanding issues. The staff can recommend approval of these plans. The applicant has indicated their willingness to accept the conditions that have been placed on those plans and the Commissioner from the District is comfortable with the plan. So, we place them on an Expedited Agenda so we can move through those more quickly. Any of those on the Expedited Agenda, that there is opposition on any of those items, they will be pulled from the Expedited Agenda and placed or heard as found on the normal agenda. So, if we can move through the expedited items at this time, please.
Mrs. News - Yes, sir. Six items are listed on the Expedited Agenda and we are aware of one additional item, which will be added at the end. The first is on Page 2 of your Agenda and is located in the Three Chopt District.

TRANSFER OF APPROVAL

Circuit City Headquarters, Building #2
POD-43-92
POD-8-97 and a portion of POD-75-95
9960 Mayland Drive

James W. Theobald for Perimeter Center, LLC: Request for a transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Daniel Realty Corporation to Perimeter Center, LLC. The 32-acre site is located at 9960 Mayland Drive on part of parcels 749-758-7718 and 1204. The zoning is M-1, Light Industrial District. County water and sewer. (Three Chopt)

Mr. Vanarsdall - Is there anyone in the audience in opposition to this project? This is Circuit City Headquarters. No opposition. Mr. Branin, do you want to approve it on the Expedited Agenda?

Mr. Branin - Yes, sir, I would.

Mr. Vanarsdall - Would you make the motion, please.

Mr. Branin - I make a motion that Transfer of Approval for Circuit City Headquarters, Building #2, POD-43-92, POD-8-97 and a portion of POD-75-95, 9960 Mayland Drive, be approved.

Mr. Vanarsdall - Second. Motion made by Mr. Branin and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

The Planning Commission approved Transfer of Approval for Circuit City Headquarters, Building #2, POD-43-92, POD-8-97 and a portion of POD-75-95, 9960 Mayland Drive, subject to the new owner accepting and agreeing to be responsible for continued compliance with the conditions of the original approval.

Mrs. News - The next request is located on Page 3 of your Agenda and is located in the Varina District.
TRANSFER OF APPROVAL

POD-9-81
PPD Property, Inc. – 4216 Eubank Road

Engineering Design Associates, Inc. for KSO Holdings, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from PPD Property, Inc. to KSO Holdings, LLC. The 8.66-acre site is located along the northern line of Eubank Road approximately 640 feet west of Glen Allen Drive on parcel 814-712-1182. The zoning is M-1, Light Industrial District. County water and sewer. (Varina)

Mr. Vanarsdall - Is there anyone in the audience in opposition to this case in the Varina District, POD-9-81, Transfer of Approval? No opposition.

Mr. Archer - Mr. Chairman, I move approval of Transfer of Approval for POD-9-81 subject to the conditions stated in the Agenda.

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

The Planning Commission approved Transfer of Approval for POD-9-81, PPD Property, Inc. – 4216 Eubank Road, subject to the new owner accepting and agreeing for continued compliance with the conditions of the original approval and the following condition:

1. The site deficiencies, as identified in the inspection report, dated January 3, 2005, shall be corrected by April 4, 2005.

Mrs. News - The next case is on Page 4 of your Agenda. This is a Landscape and Lighting Plan located in the Fairfield District.

LANDSCAPE & LIGHTING PLAN

LP/POD-40-04 Mountain Road Retail Shops 1574 Mountain Road

Architects Dayton Thompson, PC for Patriot II, LLC: 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 2.8-acre site is located at the southeast corner of Mountain Road and New York Avenue on parcel 781-761-8665. The zoning is B-3, Business District. (Fairfield)

Mrs. News - I understand that there may be somebody in the audience who may want to speak to this.

Person in Audience - I would like to hear a presentation on this.
Mr. Silber - Why don’t we pull that off the Expedited Agenda and hear it later.

Mr. Vanarsdall - We will take it off of the Expedited Agenda and put it in order.

Mrs. News - Next on Page 21 of your Agenda and located in the Three Chopt District is Subdivision Preston Square (March 2005 Plan).

SUBDIVISION

Preston Square (March 2005 Plan)

E. D. Lewis & Associates, P.C. for Robert C. & Ellen C. Parker and F & L Properties, LLC: The 5.00-acre site proposed for a subdivision of 28 townhouses is located approximately 275 feet to the intersection of Lemoore Drive and Twin Hickory Road (5411 Twin Hickory Road) on parcels 747-774-6515 and 5839. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer.

(Three Chopt) 28 Lots

Mr. Vanarsdall - Is anyone in opposition to Subdivision Preston Square in the Three Chopt District? No opposition.

Mr. Silber - Mrs. News, has this matter been resolved; there was a matter associated with the sprinkler system with this, I believe. Has that matter been resolved, their providing sprinklers or reducing the number of units?

Mrs. News - This is a conditional subdivision, so some of those issues may be addressed with the POD.

Mr. Kennedy - Due to the length of the buildings, they are going to have to sprinkle the buildings in order to meet the fire hose lay requirements, and so they have agreed to do that, and they are going to deal with that at the POD stage. It does not need to be dealt with at this time.

Mr. Silber - So, there are 28 lots. They are not reducing the number of lots.

Mr. Kennedy - There are 28 lots. They are not reducing the number of lots at this time. That is our understanding. They are going to sprinkle the buildings. They need to meet 150 foot hose lay, from pavement, and if they can’t meet that, the alternative is to sprinkle the buildings.

Mr. Silber - So they have to comply with the Division of Fire requirements for hose lay, and if not, sprinkle the buildings and if that does not work they have to reduce the number of lots.
Mr. Kennedy - And provide spacing. Right. Those are the two alternatives they have.

Mr. Silber - So, Mr. Branin, that would be fine. I think this could still be heard as expedited. There would be 28 lots. They would still have to meet those normal requirements.

Mr. Branin - Mr. Chairman, then I recommend that the subdivision be approved on the Expedited Agenda.

Mr. Archer - I will second that.

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

The Planning Commission approved Subdivision Preston Square (March 2005 Plan), subject to the annotations on the plans, the standard conditions attached to these minutes for subdivisions served by public utilities, and the following additional condition:

13. The proffers approved as part of zoning case C-50C-04 shall be incorporated in this approval.

Mrs. News - Next, on Page 24 of your Agenda and located in the Brookland District is POD-28-05.

PLAN OF DEVELOPMENT

POD-28-05
The Shops @ Tripps – 9318 W. Broad Street
(Formerly Rock-Ola Café)
(POD-59-93 Revised)

Timmons Group for Tripps Properties II Limited Partnership: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to renovate and build a 10,731 square foot addition to an existing restaurant for conversion to a one-story, 16,000 square foot retail building. The 2.99-acre site is located at 9318-9320 W. Broad Street (U.S. Route 250) on part of parcel 757-757-0843. The zoning is B-2, Business District. County water and sewer. (Brookland)

Mrs. News - There is also an Addendum item on Page 6 of your Addendum. There is a revised recommendation. The applicant was not in agreement with one of the annotations to add a window on the northern building elevation and staff has revised our recommendation to eliminate this annotation and can still recommend approval. There have also been two conditions added, Nos. 9 and 11 Amended.
Mr. Vanarsdall - Any opposition to this case in the Brookland District, POD-28-05? No opposition. Mrs. Goggin did a good job on getting everything together on this and the only thing we haven’t addressed is the fence, and we will address that when it comes back for landscaping, and I will say that I believe a wooden fence back there is not an option. I move that POD-28-05, The Shops @ Tripps, be recommended for approval on the Expedited Agenda, standard conditions for developments of this type and additional conditions Nos. 9 and 11 Amended and Nos. 23 through 36, with 35 and 36 on the Agenda, also.

Mr. Archer - I will second that, Mr. Chairman.

Motion made by Vanarsdall and seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it. The motion is approved.

The Planning Commission approved POD-28-05, The Shops @ Tripps – 9318 W. Broad Street (Formerly Rock-Ola Café) (POD-59-93 Revised), subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

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

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

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 W. Broad Street (U.S. Route 250) shall be approved by the Virginia Department of Transportation and the County.

25. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Department of Planning prior to any occupancy permits being issued.

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

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

28. Outside storage shall not be permitted.

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

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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.

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.

The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of the Henrico County Code.

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

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.

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.

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.

The next item is on Page 26 of your Agenda, located in the Fairfield District.

**SUBDIVISION Frostick (February 2005 Plan)**

QMT Corporation for Chamberlayne Rec. Association, North Chamberlayne Civic Association and Windsor Enterprises, LLC: The 3.6-acre site proposed for a subdivision of 9 single-family homes is located 520 feet from the intersection of Wilkinson Road and N. Wilkinson Road (317 N. Wilkinson Road) on parcels 792-753-9289 and 792-754-7001. The zoning is R-2A, One-Family Residence District. County water and sewer. **(Fairfield) 9 Lots**

Is anyone in the audience in opposition to Subdivision Frostick in the Fairfield District? No opposition.

Mr. Chairman, I move to approve Subdivision Frostick, subject to the annotations on the plans and the standard conditions for subdivision served by Public Utilities.

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

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The Planning Commission granted conditional approval to subdivision Frostick (February 2005 Plan), subject to the annotations on the plans and the standard conditions attached to these minutes for subdivisions served by public utilities.

Ms. News - Staff is aware of one additional item to be added. This is on Page 19 of your Agenda and is located in the Three Chopt District.

**SUBDIVISION**

**Hampshire**

(March 2005 Plan)


Ms. News - There is also an Addendum item on Page 5 of your Addendum with an added condition and revised recommendation for approval, but we would also like to make a revision to that condition, and I’d like to read it to you:

The condition should be revised to change the last part of the last sentence so it would read, “The two northernmost common areas shall be eliminated and the land incorporated into the adjoining lots unless a County policy is adopted supporting the use of common area as a tool for wetlands protection or as otherwise approved by the Director of Planning.” And we would strike the words “prior to granting of final subdivision approval.”

Mr. Vanarsdall - Is anyone in the audience in opposition to Hampshire Subdivision in the Three Chopt District? Mr. Branin.

Mr. Silber - Let me just clarify this. So this is recommended as being on the Expedited Agenda, but we do have one additional condition No. 17. Number 17 is on your Addendum, but we are making a suggested change to No. 17 to provide a little more flexibility on whether these common areas would be in the lots or not, as Leslie noted, unless otherwise approved by the Director of Planning. So, it does provide some flexibility if you determine later that it may be appropriate to have these wetlands as common areas instead of lots. I just want to make sure the Commission fully understood what was being recommended. So, if you all feel comfortable with that, Mr. Branin, it would simply be a motion to approve this on the Expedited Agenda with the conditions listed here and the additional condition No. 17 as modified.

Mr. Branin - Mr. Chairman, I have reviewed this and I am OK with it, so I am going to make a motion that it be approved and put on the Expedited Agenda, and the Addendum.
The Planning Commission granted conditional approval to subdivision Hampshire (March 2005 Plan), subject to the standard conditions attached to these minutes for subdivisions served by public utilities and the following additional conditions:

12. Each lot shall contain at least 13,500 square feet, exclusive of the flood plain areas.

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

14. The proffers approved as part of zoning cases C-60C-03, C-37C-02 and C-71C-00 shall be incorporated in this approval.

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

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

17. The two northernmost common areas shall be eliminated and the land incorporated into the adjoining lots unless a County policy is adopted supporting the use of common area as a tool for wetlands protection or as approved by the Director of Planning.

Mr. Vanarsdall - Thank you, Ms. News.

Mr. Silber - Moving back to the top of the agenda on Page 1, we have Extensions of Conditional Subdivision Approval. As the Commission recalls, some of these requests require Planning Commission approval and some can be handled administratively. We have one conditional subdivision that is up for extension that does require Planning Commission approval and we have two that can be handled administratively and are as listed as information only. Ms. Goggin, can you tell the Commission what they need to know with these extensions.
Ms. Goggin - Yes, sir. Good morning. Effinger Drive is up for its 6th extension, which does require approval by the Planning Commission. The applicant, Edward West, is here if the Planning Commission has any questions for him as to why they are requesting an additional extension for Effinger Drive.

Mr. Vanarsdall - All right. Any questions by Commission members?

Mr. Archer - Mr. Chairman, we did discuss this earlier and we did ask the applicant to come in and explain why the additional extension is needed, and when we think this process might terminate, so if you’d come down, we’d appreciate it.

Mr. Vanarsdall - Good morning, Mr. West.

Mr. West - Good morning, Mr. Vanarsdall. I am Eugene West, acting for Edward West, my cousin, for the Effinger Drive Extension. This subdivision was up for approval a few years in the past. We had an agreement with a prospect for a 300,000 ft. manufacturing facility. Due to the delay in the Highway Department approving the entrance road, they reneged on the first approval and changed the way it would have to be located. The prospect stated that they could not wait any longer for approval for this subdivision and went to Chesterfield County. We have diligently tried to pursue other prospects for this, as well as Economic Development, that is marketing the project and we hope that in the future we will be able to continue with the development of it.

Mr. Archer - Mr. West, do you have any prospects on the back burner, at least, at this point?

Mr. West - We have pursued it with Real Estate Companies. The problem is that the market for warehousing at this time is pretty flat and we think this year will improve, and we will have a better chance of getting tenants to go in there.

Mr. Archer - So you are asking for one-year, and you think that will be it?

Mr. West - Correct. I hope so.

Mr. Archer - Well, we do, too. But anyway, thank you so much for coming down to explain that to the Commission.
Mr. West - Thank you for hearing my comments.

Mr. Vanarsdall - Any questions? No questions.

Mr. Archer - Mr. Chairman, with that I will move for approval of the extension for one more year.

Mr. Vanarsdall - Second. 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 Subdivision Extension of Condition Approval for Effinger Drive (A Dedication of a portion of Effinger Drive) (June 1998 Plan) for one year until March 22, 2006.

FOR INFORMATIONAL PURPOSES ONLY

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<th>Remaining Lots</th>
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Ms. Goggin - There are also two subdivisions that are in front of you for informational purposes. The first is Covington, which has 4 remaining lots that is being extended until March 26, 2008, and the other is Westcott @ Grey Oaks, Section C, which has 68 lots remaining, and is being extended to March 22, 2006.

Mr. Vanarsdall - Thank you.

Mr. Silber - Moving on to Page 4 of the Agenda, this would be the Expedited Item that we removed a few minutes ago.

LANDSCAPE & LIGHTING PLAN

Architects Dayton Thompson, PC for Patriot II, LLC: 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 2.8-acre site is located at the southeast corner of Mountain Road and New York Avenue on parcel 781-761-8665. The zoning is B-3, Business District. (Fairfield)
Mr. Kennedy - Good morning, members of the Commission. Mountain Road Retail Shops was previously approved last year as a POD, and Nos. 9 and 11 were amended at that time, that is landscape and lighting plan will return to the Planning Commission for approval.

For the purpose of the neighborhood, I am making this presentation. I spoke with several of the adjoining neighbors and basically they live across the Virginia Power easement on Pennsylvania Avenue. I spoke to about four neighbors and Mr. Bose has spoken to them, as well. We are providing the plan, but for the purpose of the record, we are going to present this. Along the back, along the Virginia Power easement is going to be a continuous evergreen screen, composed of wax myrtles, serviceberries, hollies and white pines. The white pines are on the edge of the easement because nothing that can grow over 10 feet in height can be in the Virginia Power easement. That is basically a screen and there is a hundred feet of the power easement going before those properties. Along the Virginia Power easement, light poles would have shields, house side shields. The maximum height of light poles is going to be 20 feet, and so the object is to reduce the impact on the adjoining neighborhood and provide as much buffering as possible. Around the building, the trees around the building will be red maples and around the perimeter of the property, along the two side streets, those streets will be crape myrtles. Again, the power lines that are on both streets will restrict the height of trees, so we would put trees that could withstand pruning. There were some shrubs around to fill in the base. He satisfies all of the Planning requirements. There is no transitional buffer requirement between his business, which is a B-3 business, and the residential, across the power easement, because the power easement is also zoned business. So, the developer has agreed to provide this continuous buffer even despite the fact that it was not required. Staff recommends approval.

Any questions by Commission members of Mr. Kennedy?

Mr. Silber - Mr. Kennedy, it is hard to tell where the property line is for this property. Is some of the planting taking place off of the property?

Mr. Kennedy - No. Part of the property extends into the Virginia Power easement, but not within the power line section, so it doesn’t show up, but basically one line back to the gas line, that has a kind of dimension on it. That is where...

It is also hard to see on the screen, but if you look at what we have, there is also what looks like a metes and bounds description and a property line that runs, I guess just behind the parking, where also appears just some planting, I guess, behind the parking.

That dashed line is actually a storm sewer.

But right in front of there, Mr. Kennedy, there is a metes and bounds description and a length, 327.2 feet.
Mr. Kennedy - That has to do with the description of the power easement. They have actually a second property that extends further back and into the middle of the power easement as well.

Mr. Silber - So, all of the plantings are within their property?

Mr. Kennedy - Are within their property, yes.

Mr. Silber - OK.

Mr. Vanarsdall - Thank you, Mr. Kennedy.

Mr. Archer - Ma’am, can I ask you a question? You are fine with it? OK. Thank you so much. Thank you, Mr. Kennedy. Mr. Chairman, I will move approval of LP/POD-40-04, Mountain Road Retail Shops, subject to the annotations on the plans and the standard conditions for landscape and lighting plans.

Mr. Vanarsdall - I second that. Motion made by Mr. Archer, seconded by Vanarsdall. All in favor say aye. All opposed say no. The motion passes.

The Planning Commission approved the landscape and lighting plan for LP/POD-40-04, Mountain Road Retail Shops, 1574 Mountain Road, subject to the annotations on the plan and the standard conditions attached to these minutes for landscape and lighting plans.

SUBDIVISION (Deferred from the February 23, 2005 Meeting)


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Mr. Vanarsdall - Is anyone in the audience in opposition to Wilton Parkway?

Mr. Wilhite - Just this morning we got the last one faxed to us. This case has been deferred three times and originally was on your agenda at the December POD hearing. As I said, all of the required signatures have been received at this point, and we received the last one this morning. There are 22 parcels involved with this road subdivision. Two parcels are being eliminated at this time. They are the Cephas and the Wigton parcels. They are located at the southwest corner of Osborne Turnpike and Mill Roads, but essentially these two parcels were being used for right-of-way widening for potential right-turn lanes, which aren’t being required at this point in time, so they have been eliminated. Also, the property that was owned by Glauson Investments Corporation has been purchased by the developer at this point and that would be a change to your caption. Staff can recommend approval of the plan as shown with the note on there that the intersection with New Market Road has actually been shifted 100 feet to the north, creating an additional separation between Battlefield Park Road, which runs south of this intersection. So, staff can recommend approval of the plan, conditional approval, with conditions, annotations, standard conditions plus Nos. 12 and 13. Webb Tyler, the Civil Engineer, is here representing the applicant. Also, Mike Jennings, the Traffic Engineer, from the County is here if you have more detailed questions on the road layout.

Mr. Vanarsdall - Any questions for Mr. Wilhite? All right. Mr. Archer.

Mr. Archer - Mr. Chairman, I don’t believe I have any questions unless some of the other Commissioners do.

Mr. Vanarsdall - No, I just wanted to know if you wanted to make a motion.

Mr. Archer - Yes, I do. In speaking with Mr. Jernigan, he indicated that the only problem that had not been resolved in this case was that of obtaining the last signature there we got this morning. So, with that, I will move approval of Subdivision Wilton Parkway, subject to the standard conditions for subdivisions served by Public Utilities and the additional conditions Nos. 12 and 13. Do we need to make note of the revision to, or is that covered in the condition?

Mr. Wilhite - We would just add that as an annotation to the plan based on the scale of the drawing. It is barely perceptible.

Mr. Archer - OK. Then I recommend approval, subject to those conditions.

Mr. Vanarsdall - And I second it. Motion made by Mr. Archer, seconded by Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

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The Planning Commission granted conditional approval to subdivision Wilton Parkway, (December 2004 Plan), New Market Road to Osborn Turnpike, subject to the standard conditions attached to these minutes for subdivisions served by public utilities, the annotations on the plan, and the following additional conditions:

12. The developer shall construct left turn lanes in accordance with Henrico County standards on Osborn Turnpike at the intersection with Wilton Parkway.

13. The developer shall install left and right turn lanes in accordance with VDOT standards on New Market Road (State Route 5) at the intersection with Wilton Parkway.

PLANNING & TRANSITIONAL BUFFER DEVIATION

POD-18-05
Monahan Road Storage Building – 6977 Monahan Road

G. Stuart Grattan, P.E. for Charmaine S. Watson, Et Al and Floyd Englehart: Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24.106.2 of the Henrico County Code, to construct a 17,500 square foot vehicle and equipment storage shed for a tree contracting service. The transitional buffer deviation will permit the buffer to be relocated against the adjacent property. The 9.00-acre site is located on the east line of Monahan Road at 6977 Monahan Road, approximately 130 feet north of Darbytown Road on parcel 821-697-6489. The zoning is B-3C, Business District (Conditional) and A-1, Agricultural District. (Varina)

Mr. Vanarsdall - In the Varina District, is there anyone in the audience in opposition to POD-18-05? No opposition. Good morning, Mr. McGarry.

Mr. McGarry - Good morning, Mr. Chairman, members of the Commission. You will need to make two motions on this case. The first is for approval of the POD and the second will be for the transitional buffer deviation. On the POD, the staff plan shows the shed square footage labeled incorrectly. It should be 17,500 square feet. The notice caption is correct.

There are two Addendum items. First, staff is recommending No. 29 condition be deleted regarding ISO calculations, because there is no public water in the area, so Public Utilities is waiving this requirement. In a related matter, Condition No. 32 has been revised for clarity in determining the applicant’s responsibility to provide a monitoring service for a detection alarm system.

In regard to the transitional buffer deviation, transitional buffers normally abut the zoning boundary, which cuts through the center of this lot. Staff recommends a transitional buffer deviation to allow the transitional buffer to be located against the property line to the north, for the following reasons: First the transitional buffer 35 is a full relocation and not a reduction, and secondly, the proffer, No.2, requires the transitional buffer be provided against the

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adjacent property. Staff feels that the location of the buffer for the deviation is consistent with
the proffer.

With that, staff can recommend approval subject to the annotations on the plans, standard
conditions Nos. 23 through 33, with Addendum items Nos. 29 and 32. I will be happy to
answer any questions.

Mr. Vanarsdall: Any questions for Mr. McGarry?

Mr. Kaechele: Looking at the floor plan showing the dimensions as 175 by 100, why did those dimensions change? You said the square footage was 17,500.

Mr. McGarry: Yes. 100 by 175 should be 17,500 sq. ft.

Mr. Kaechele: That is the correct number.

Mr. McGarry: That is the correct number. What I actually annotated on the plan was not correct. I didn’t do the math right.

Mr. Silber: It is 17,500?

Mr. McGarry: Correct, and the notice letters that went out had the correct square footage in it.

Mr. Vanarsdall: Mr. McGarry, I think we should add No. 34. I didn’t see the location of the existing boxes, electrical boxes that we usually put on these. Do you know what I am referring to? The location of all existing and proposed existing and proposed mechanical equipment, units, electrical meters, junction boxes, transformers, and all of that.

Mr. McGarry: This is sitting in the middle of a multiple acre parcel of land and...

Mr. Vanarsdall: You must be able to see it somewhere. Maybe you won’t. That is the reason I wanted to ask you.

Mr. McGarry: That is why staff felt it wasn’t necessary to add that because it is uniquely located and surrounded by woods.

Mr. Vanarsdall: All right.

Mr. Silber: Mr. Vanarsdall, also, it is an entirely metal building.

Mr. Vanarsdall: That does not make any difference if somebody could see it. It is still ugly. A metal building is usually ugly, too. Thank you, Mr. Silber. Any more questions for Mr. McGarry?
Mr. Archer - I don’t have any.

Mr. Vanarsdall - All right.

Mr. Archer - This requires two motions. I move to approve the transitional buffer deviation.

Mr. Vanarsdall - Second. Motion made by Mr. Archer and seconded by Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The transitional buffer deviation is approved.

The Planning Commission approved the transitional buffer deviation for POD-18-05, Monahan Road Storage Building – 6977 Monahan Road.

Mr. Archer - As for the case itself, I move for approval of POD-18-05, Monahan Road Storage Building, subject to the annotations on the plans, including the corrected annotations of 17,500 sq. ft. as stated by Mr. McGarry, standard conditions for developments of this type, and additional conditions as shown 23 through 33, 29 being deleted and 32 being revised on the Addendum.

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

The Planning Commission approved POD-18-05, Monahan Road Storage Building – 6977 Monahan Road, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

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

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

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

26. The proffers approved as a part of zoning case C-29C-04 shall be incorporated in this approval.

27. 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.

28. 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.
29. 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.

30. Any non-domestic trash receptacles shall be located behind a screen fence identical to the one shown on the plans.

31. Unless waived by the Fire Marshall, all buildings when constructed, shall include a fire detection alarm system. The alarm system shall be designed and installed to provide immediate notification to the Fire Division in the event of an alarm situation at the facility. A twenty-four hour monitoring company must be utilized for this service.

32. Provide the proffered Transitional Buffer 35 along the north property line in place of the zoning boundary which crosses the applicant’s property.

PLAN OF DEVELOPMENT

POD-21-05
Church Mews
Condominiums – Church Road

Balzer & Associates, Inc. for Iva J. Mullins, John W. & K. H. McLaughlin and D. O. Allen Homes, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 30, two-story, detached condominium units. The 7.04-acre site is located on the northern line of Church Road, approximately 600 feet west of the intersection of Church Road and Chatham Woods Drive on parcels 736-755-5630 and 9422. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. (Three Chopt)

Mr. Vanarsdall - Thank you, Mr. Silber. Anyone in the audience in opposition to Church Mews Condominiums – Church Road, in the Three Chopt District.

Mr. Cooper - Good morning, Mr. Chairman, and members of the Commission.

The revised plan was handed out to you this morning. This project is for the construction of 30 detached condominium units, which will be similar in design to single-family homes, to be constructed with high-quality materials, such as brick, stone, and premium grade vinyl. All of these items were proffered. The proffers were created with the rezoning for this property to allow for this development and that was approved by the Board of Supervisors in November of this past year. The conceptual layout was proffered with that rezoning case and the plan before you today does resemble that design, including landscape buffers along all of the property lines. Staff had two major concerns for the first plan, including the units meeting setback requirements, and the correct delineation of the floodplain, which could impact the layout. The revised plan before you this morning addresses those concerns and as well, the applicant has provided smaller dwellings than they first proposed, in order to meet the required setbacks, and the details for those units have also been provided to you this morning. With these revisions addressed, the conditions listed in your Agenda and the Addendum, and the annotations on the plan, staff recommends approval of this plan of development. The applicant and their engineer are here today if you have any questions, and I will be happy to answer any as well.

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Mr. Vanarsdall - Any questions by Commission members for Mr. Cooper?

Mr. Branin - Mr. Cooper, you said all of the setbacks had been met?

Mr. Cooper - Yes, that is correct. The revised plan before you this morning has the correct setback requirements clearly labeled and the units now being smaller, and the removal of some covered porches on some of the units allow these buildings to meet the required setbacks. That was probably the largest issue. The floodplain now is correctly delineated. It does not impact the location of the buildings, because it is located within the 50-51 foot buffer along Church Road.

Mr. Kaechele - How much smaller do some of these units have to be reduced?

Mr. Cooper - I would defer that to the applicant to answer that question. I do know that they are slightly smaller, and I think the biggest change is the removal of the covered porches on some of their units, the front and the rear, because they would have to meet the required setback if they did exist.

Mr. Vanarsdall - Any more questions? Thank you, Mr. Cooper. Will the applicant come down? Good morning.

Mr. Aaron Breed - Good morning, Mr. Chairman, and members of the Commission. My name is Aaron Breed with Balzer and Associates, representing the applicant. As far as the building footprint change on that, we have one concern. The building, the covered porch, was eliminated to reduce the size of the footprint of the building and the units got a little bit wider, just so they are not as deep, so we can fit them within the required setback and buffers.

Mr. Kaechele - OK, so the square footage of living space hasn’t really changed.

Mr. Breed - The square footage is approximately the same. Yes, sir.

Mr. Vanarsdall - Any other questions?

Mr. Silber - I believe there was a proffered condition that required a certain size open area, common area. Where is that being provided and how much area is being provided?

Mr. Breed - The proffered condition of the open space area is generally in the center of the site in a courtyard area. It was proffered as a ¼ of an acre and we actually have slightly over that.

Mr. Silber - So, are there going to be any amenities in that area, anything provided, or just open space?
Mr. Breed - I believe they require some amenities in there and as far as what, we have not exactly determined that and there will be some landscaping. There probably will be some sort of gazebos, benches, that sort of thing.

Mr. Vanarsdall - If you want to stand by, we have two people who have some questions. Do you want to come down to the mike and state your name?

Mr. Felts - My name is Stephen Felts. We live in Lot 3 in the Waterford Subdivision, which is basically at the bottom of the hill where this subdivision is going to be located.

Mr. Kaechele - Excuse me. Can you point that out on the layout there where you live?

Mr. Felts - We are right there, which is the first house in the subdivision. The other two lots in the corner are in the floodplain. We have had drainage issues before. I know we worked with you, Mr. Kaechele, on the issues involving Chatham Woods being drained in our subdivision and the flooding it was causing in the lower houses in the lots in that corner. Our concern is where is the drainage for this new subdivision going to be, and is it going to be tied in to the drainage that currently exists that basically runs under my backyard.

Mr. Vanarsdall - Mr. Silber, do you want to take that?

Mr. Breed - The drainage from the site is going to be picked up into a pipe storm sewer system, the grades are being revised to channel that water into the system, so that there is no overflow that is going to go onto that adjacent properties. As far as the capacity of the existing storm sewer, the information that we had shows that they are at capacity on that, the flooding, and I am not aware of whether those arrows are, you know, that was coming from this overland overflow or if it was a back up in the storm sewer.

Mr. Felts - I assume you are talking about a different drawing, but it shows the drainpipe that runs through my back yard. It is actually not on this plan. It kind of runs diagonal that way through the yard and feeds into the creek. Are you all tying into that?

Mr. Breed - We aren’t. We are tying into the inlet that he is speaking of is in sort of the northeastern corner of his property. There is an exiting unit at that point, and there is a low on the site. We are actually extending a pipe in to pick up that low area to clean that structure out and we are tying into the storm sewer, the existing storm sewer further up, that is in the northern end, the northern central piece of our property.

Mr. Silber - So you would be, actually, improving the situation that is on his...
The inlet that we would be tying a portion of my drain into would be cleaning that inlet out. I went and looked at it, and it is fairly old. It has a lot of broken up rubble around it from trees and branches and stuff clogging up the inlet side of that. I will be removing all of that and bringing that up to the current County standards.

Where is the storm sewer clean or discharge from your site?

Our site will discharge into the two points, one is at the northern property existing storm pipe there, and a small portion of it will tie into the inlet that is at the rear of his property.

Mr. Silber - Mr. Felts, the County has its own design engineers and will be looking at these plans extensively as more plans are prepared and they will be very concerned about the outfall, the discharge of storm water from this property. They are sensitive to adjacent property owners and their properties impact the drainage on them, so this will be looked at more closely. I would encourage you, if you have concerns as this property develops, to continue to work with this gentleman, this engineer, as well as the County engineers to make sure that these problems are addressed.

OK. Thank you. Our biggest concern is there is currently already a back up from the existing water that we are getting on the side of our yard to the left side of our house.

Mr. Felts, do you know what is causing the back up? Is there brush or…

Basically, two pipes run through our yard and come out into an open creek. They couldn’t enclose the creek because it is part of the floodplain. Then that feeds into three parts that run under the street even when they are clear. Even when they are clear, we still have back up, and it overflows into our lot on the side.

Is it a gravity issue do you think?

We are actually working with the landscaper and we are going to regrade our yard on that side to try to slope our yard down to the creek. Obviously, that is going to be at our expense, but we can only do so much, and that is with the existing situation as it is. That is not with having the seven acres of …fully developed with pavement and driveways and everything else that is going to create a lot more drainage, a lot more runoff. That is our concern.

We will just have to keep a continual eye on that and see if these conditions are not worsened.

Thank you for your concern and coming down. Yes, sir.
Mr. Charlie Worland - Good morning. My name is Charlie Worland. I live on the adjacent property right there on the north. We, too, have a drainage issue in that to some extent a gravity issue that the playing level is off in our backyard and currently does not drain adequately and if I understood correctly, there will be additional drainage being piped. There is a pipe being run at the back line of our property there. That additional drainage will be piped, which is almost an uphill pipe. It is level. There is no way to go lower to relieve that, so we are concerned about the flooding. We are also wondering if 30 units is still the projected capacity. We would like to request that as great a buffer as possible, no less than 20 feet of buffer be allowed to remain there to separate the properties, the privacy of the properties. Those are the two concerns that we have.

Mr. Kaechele - The buffer was recorded in the zoning case. I don’t know, do we have that number?

Mr. Cooper - Yes, sir. The required buffer along that property line here at the northern property line is 10 feet in width, which was proffered with the rezoning case, and that is the same for the property line adjacent to Waterford and this side, the eastern property line against this section of Chatham Woods, 50 feet against Church Road.

Mr. Kaechele - That was established at the time of zoning. I can’t really require that to be changed.

Mr. Worland - That was done without any input from us at that time. We were not aware of that.

Mr. Kaechele - Well, it’s done with a public hearing.

Mr. Silber - Right. When the property was rezoned, the County notified all of the surrounding property owners by mail to let the property owners know that that piece of property is up for rezoning. It went through a public hearing with this Planning Commission and a public hearing with the Board of Supervisors.

Mr. Worland - I was not present at either of those hearings. I was unable to speak to that. Thank you.

Mr. Vanarsdall - All right. Thank you. Anyone else?

Mr. Branin - Mr. Chairman, I would like to see Mr. Cooper get with the representative from Balzer and also Mr. Felts and look at the current condition and see if we can, I am sure Balzer can design something to help his current situation and not worsen it. Mr. Felts, I would like to see you and get your address as well, because I’d like to look at it to make sure I know what is going on there. OK?

Mr. Cooper - Mr. Secretary, I just wanted to also point out in regard to your question regarding the open space requirement, we did ask the engineer to provide us the exact
acreage for the open space and to delineate that on a plan. We have received that, and it does satisfy the proffer requirement, and also in regards to the previous speaker, while the 10-foot buffer is adjacent to his property line, the setback for the principal dwellings is actually 30 feet, which is required by Code, so these buildings won’t be up against that 10-foot buffer. They will be 30 feet off of the property line.

Mr. Vanarsdall - Thank you. If there are no more questions, we will have a motion.

Mr. Branin - Mr. Chairman, I move that we approved POD-21-05, subject to the standard conditions for developments of this type and additional conditions Nos. 23 through 36, plus additional condition No. 37 which is on the Addendum.

Mr. Archer - I will second the motion.

Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

The Planning Commission approved POD-21-05, Church Mews Condominiums, subject to the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

23. The right-of-way for widening of Church Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat 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 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.

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

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

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

28. The proffers approved as a part of zoning case C-52C-04 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 pavement shall be of an SM-2A type and shall be constructed in accordance with
County standard and specifications. The developer shall post a defect bond for all
pavement with the Department of Planning - the exact type, amount and implementation
shall be determined by the Director of Planning, to protect the interest of the members
of the Homeowners Association. The bond shall become effective as of the date that
the Homeowners Association assumes responsibility for the common areas. Prior to the
issuance of the last Certificate of Occupancy, a professional engineer must certify that
the roads have been designed and constructed in accordance with County standards.

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

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

36. A standard concrete sidewalk shall be provided on at least one side of all interior roads.

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

PLAN OF DEVELOPMENT & SPECIAL EXCEPTION

POD-20-05
Brook Run Independent
Living – 6000 Brook Road

Townes Site Engineering for Tetra Associates, LLC and
Carroll M. Blundon: Request for approval of a plan of
development and special exception, as required by Chapter 24,
Sections 24-21, 24-94 (b) and 24-106 of the Henrico County
Code, to construct a four-story, 120 unit, age-restricted
apartment building. The special exception would authorize a
building with maximum height greater than 2 1/2 stories. The
8.63-acre site is located on the west line of Brook Road (U. S.
Route 1) 365 feet north of Wilmer Avenue adjacent to the
Brook Run Shopping Center on part of parcel 783-748-5077.
The zoning is R-5C, General Residence District (Conditional).
County water and sewer. (Fairfield)

Mr. Vanarsdall - Is there anyone here in opposition to this case, POD-20-05, Brook
Run Independent Living? No opposition. Mr. Kennedy.
Brook Run Independent Living is a proposed four-story age restricted apartment building located along the west line of Brook Road adjacent to the Brook Run Shopping Center. The proposed building is the first of two 120-unit age restricted apartment buildings contemplated at this location. So, there is a second building also proposed and the second building would be in this area here (referring to rendering). It would just kind of reverse this way.

The subject property was zoned R-5C, General Residence District, in 2004 and the proffers contemplate the proposed use. The proposed development would result in the construction of 13.9 multi-family dwelling units per acre, while the maximum permitted in the R-5 District is 14.5 multi-family dwelling units per acre, so it is within the limit.

The Department of Public Works has approved an exception to the requirement for two points of access for multi-family development with more than 80 units with only one point of access. The exception notes that the first phase of development will be limited to 120 senior apartments and based upon ITE standards would generate fewer trips per day than 80 unrestricted multi-family units. The exception requires a secondary emergency access drive to be provided. At this time they contemplate emergency access drive to be provided to Brook Road, although the alternative would be to provide within the shopping center at such time as a major center is developed there, they can develop it through the shopping center. They are just not contemplating that development at this time to be concurrent with this, so they are providing an alternative.

The staff recommends approval of the Plan of Development subject to the annotations on the plans, the standard conditions for developments of this type, the conditions on the agenda, and the following two additional conditions:

34. Adequate water pressure shall be provided in accordance with the requirements of the Department of Public Utilities and the Fire Marshall prior to the issuance of a Certificate of Occupancy.
35. A secondary emergency access drive shall be provided in accordance with the requirements of the Traffic Engineer and the Fire Marshall.

That condition is because the County is currently proposing water main extension along Brook Road, and that is in the new capital budget, so it just has to have assurance it is there. We can’t assure the capital budget is going to be approved. Mr. Kaechele is still to vote on that. We anticipate it will. The second condition is that:

35. A secondary emergency access drive shall be provided in accordance with the requirements of the Traffic Engineer and the Fire Marshall.
36. The building shall be completely fire sprinklered.
37. Perimeter landscaping shall comply with multi-family design standards.
The engineer is present and available to answer any questions. I would be happy to answer any questions as well.

Mr. Vanarsdall - Are there any questions for Mr. Kennedy?

Mr. Silber - Mr. Kennedy, it looks as though it may be a typo on No. 34. It should be the Department of Public Utilities.

Mr. Kennedy - Yes, it should be the Department of Public Utilities.

Mr. Archer - Mr. Kennedy, of course you and I have discussed this quite a bit in the last week. For the benefit of the rest of the Commission members, the information that is shown in the Addendum is probably part and parcel of some of the guts of this that had to be worked out, and I appreciate your efforts, sir, in getting that done. Do any of the Commission members have any questions about that part of it that is stated on the Addendum having to do with the two points of access and so forth?

Mr. Vanarsdall - No questions by Commission members.

Mr. Archer - All right. I don’t think we need to hear from the applicant. I don’t think anything could be added that Mr. Kennedy hasn’t already covered.

Mr. Vanarsdall - I will entertain a motion for the special exception.

Mr. Archer - OK. First I move to approve the special exception for the four-story height and with it the Addendum conditions 36 and 37.

Mr. Vanarsdall - Second. Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The special exception is approved.

Mr. Archer - I move to approve POD-20-05, Brook Run Independent Living, subject to the annotations on the plans, the standard conditions for developments of this type, the additional conditions in the Agenda which are Nos. 9 Amended and Nos. 23 through 33, and additional conditions No. 34 and 35 on the Addendum.

Mr. Vanarsdall - 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-20-05, Plan of Development and Special Exception, for Brook Run Independent Living – 6000 Brook Road, subject to the standard conditions for developments of this type and the following additional conditions:
AMENDED - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.

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.

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

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

The proffers approved as a part of zoning case C-33C-04 shall be incorporated in this approval.

Prior to issuance of a building permit, the developer must furnish a letter from Dominion Virginia Power stating that this proposed development does not conflict with their facilities.

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.

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.

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

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.

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

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.

Adequate water pressure shall be provided in accordance with the requirement of the Department of Public Utilities and the Fire Marshall prior to the issuance of a Certificate of Occupancy.

A secondary emergency access drive shall be provided in accordance with the requirements of the Traffic Engineer and the Fire Marshall.

The building shall be completely fire sprinklered.

Perimeter landscaping shall comply with multi-family design standards.
PLAN OF DEVELOPMENT & SPECIAL EXCEPTION

POD-22-05
Henrico Retirement Residence – 10300 Three Chopt Road

Bay Design Group, P.C. for A. R. Tedesco, Three Chopt Village, LLC and Colson & Colson Construction Company: Request for approval of a plan of development and special exception, as required by Chapter 24, Sections 24-2, 24-94(b) and 24-106 of the Henrico County Code, to construct a three-story, 118-bed retirement residence for seniors. The special exception would authorize a building with a maximum height greater than 2 ½ stories. The 10.88-acre site is located on the north line of Three Chopt Road, 485 feet west of Gaskins Road at 10300 Three Chopt Road on parcels 749-7559136, 4576 and part of 749-755-8188 and 749-756-0252. The zoning is A-1, Agricultural District and R-6C, General Residence District (Conditional). County water and sewer. (Three Chopt)

Mr. Vanarsdall - Is anyone in the audience in opposition to POD-22-05, Henrico Retirement Residence?

Mr. Kennedy - This is similar to the last request. The only difference is that it is going to be a multifamily. It is actually assisted living, so it is a little bit different. Henrico Retirement Residence is a proposed three-story age restricted assisted living building located along the north line of Three Chopt Road across from the Cedarfield Community, which is a mixed development age-restricted community.

The subject property was zoned R-6C, General Residence District, in 2004 and the proffers contemplate the proposed use.

The applicant has redesigned the site to relocate the proposed garage outside the required side yard and that is actually included in your packet, and the second page of the site plan shows the relocated garage without a lot of information, but just shows how they have relocated the garage to meet the 20-foot side-yard setback. In addition, the developer/owner has agreed to relocate the storm water retention pond/BMP outside the proffered buffer along I-64 and place it underground if necessary.

The plan as annotated satisfies both proffers and County design requirements. A perimeter buffer would be maintained or provided, and the building would be connected by an internal sidewalk system to Three Chopt Road and is very pedestrian oriented.

The staff recommends approval of the Plan of Development subject to the annotations on the plans, the standard conditions for developments of this type, the conditions on the agenda, and the following additional conditions:
AMENDED – A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.

A special exception is requested to permit construction of building over 2½ stories. In this case, the building is restricted by proffers for three stories, and that is what they are proposing. Should the Planning Commission approve the special exception for a three-story building, the staff recommends, and the following additional conditions:

35. The building shall be completely fire sprinklered.

36. Perimeter landscaping shall comply with multi-family design standards.

The engineer and the developer are present and are both available to answer any questions.

Mr. Vanarsdall - All right. Any questions for Mr. Kennedy? No questions.

Mr. Kaechele - One question on the planned site. The entranceway to the property kind of to the south, southeast, is that a potential exit there, or it going to be a fire lane.

Mr. Kennedy - Because it is over 80 units, again it requires two points of access, so they do have the two points of access. It is a Fire requirement. It is divided and also has that loop around the other side as well. So, they are required to have both entrances. The entrance to the south, which is a divided entrance, there are proffers required that they provide access to the adjoining property to the south, should they request it.

Mr. Kaechele - That is just a potential access?

Mr. Kennedy - Yes. It is a potential access for potential future development of that parcel should it be rezoned at some time in the future and redeveloped.

Mr. Kaechele - Thank you.

Mr. Silber - OK, I need clarification, Mr. Kennedy. The driveway system, the boulevard that comes in off of Three Chopt Road, will serve the front of the building. Will that driveway continue all the way around the back of the building?

Mr. Kennedy - It will continue all the way around the back of the building and come out on Three Chopt Road again and it will be a second point of access.

Mr. Silber - That is with this POD being approved, it will be constructed.
It will be constructed, and, in fact, in that back corner here, that is where they are relocating the garage. The building actually has a design for a main hallway through this corner of the building, and then they will put the garage in. The garage is actually to maintain their vehicles. Basically, it is assisted living. They don’t really intend their residents to be driving. They intend to provide transportation services to shopping and other conveniences.

Mr. Silber - Provide for me what you were indicating about a future access point.

Mr. Kennedy - A future access point is here on this drive here (referring to rendering), where the median entrance is. It is actually an easement to this property to the south, and that property is currently zoned Agricultural, but it would, should that property be redeveloped, permit them access so they would access far enough way from the interchange that it wouldn’t restrict development.

Mr. Kaechele - With the improvement of Three Chopt Road, I don’t believe there is a planned median there. Do you know?

Mr. Kennedy - There’s no median that I know of at this time.

Mr. Kaechele - OK.

Mr. Silber - There is going to be a median that is going to be constructed back a certain distance from Gaskins, and Mr. Jennings might be able to tell us how far that is going to come. I don’t know if that is going to come as far as, I don’t think it comes back as far as where this boulevard entrance is. Mr. Jennings, can you help us with that, please?

Mr. Jennings - Good morning, Planning Commission members. I am Mike Jennings, Assistant Traffic Engineer. The plans for Three Chopt Road widening, the median will go well beyond this property, so in the future, both of these entrances are going to be right-in and right-out.

Mr. Kaechele - OK.

Mr. Jennings - And the developer is aware of that.

Mr. Silber - Thanks for clarifying that.

Mr. Vanarsdall - Any more questions of Mr. Kennedy? Thank you, Mr. Kennedy.

Mr. Branin - Mr. Chairman, I move to approve special exception for POD-22-05, Henrico Retirement Residence.

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

The Planning Commission approved the special exception to authorize a building with a maximum height greater than 2 ½ stories.

Mr. Branin - I make a motion for approval of POD-22-05, subject to the standard conditions for developments of this type and added conditions Nos. 23 through 34 and 35 and 36 on the addendum and No. 9 Amended.

Mr. Archer - Second.

Mr. Vanarsdall - We have motion made by Mr. Branin, seconded by Mr. Archer. All in favor say aye. All opposed say no. The motion passes.

The Planning Commission approved POD-22-05, Plan of Development and Special Exception for POD-22-05, Henrico Retirement Residence – 10300 Three Chopt Road, subject to the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

9. AMENDED – A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.

23. The right-of-way for widening of Three Chopt Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat 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 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.

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

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

27. The proffers approved as a part of zoning case C-16C-04 shall be incorporated in this approval.

28. Prior to issuance of a building permit, the developer must furnish a letter from VDOT (Virginia Department of Transportation) stating that this proposed development does not conflict with their facilities.
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. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage plans.

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

34. 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.

35. The building shall be completely fire sprinklered.

36. Perimeter landscaping shall comply with multifamily design standards.

PLAN OF DEVELOPMENT

POD-24-05
Grayson Hill, Section 2 - Gaskins Road

E. D. Lewis & Associates, P.C. for Gaskins Centre, LC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 103, two-story and three-story townhouse units for sale. The 23.12-acre site is located along the east line of Gaskins Road, approximately 450 feet south of Patterson Avenue on part of parcels 745-741-0907 and 745-740-9892. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. (Tuckahoe)

Mr. Vanardsall - Is anyone in the audience in opposition to POD-24-05, Grayson Hill, Section 2? No opposition. Good morning, Mr. Wilhite.

Mr. Wilhite - Good morning, again, sir. There are 220 lots total in this development. The first section of 50 lots was approved back on January 26 with the architectural plans being approved on March 10. No changes to the architectural plans are requested at this point. Actually, Section 3 of this project has already been filed with the County and is scheduled to be on your April agenda. There are two BMPs within Section 2 of the development. They will be designed as water features as well as serving the storm water quality requirements. Part of the agreement that was alluded to in the conditional rezoning.
The BMP will also serve the water quality requirements of the adjoining Derby Subdivision, as well. Due to that, the staff is recommending an added condition be added to this, which would be No. 36, and if I could read it: The proposed BMP facilities in this development shall accommodate the required pollutant loading for the Derby Subdivision in its design and construction. The applicant shall eliminate, grade, and reseed the existing BMP within the Derby Subdivision once the BMP facilities in this development are completed and accepted by the Department of Public Works. The applicant is also requesting that a clause be added to the end: subject to the caveats of Condition No. 36 of Zoning Case C-35C-04. A basic concern being that the owner of the property with the existing BMP in the Derby Subdivision have to agree to allow the work to be done. With that, staff can recommend approval of the project with added Condition No. 36.

If you have any questions, I will be happy to try to answer them.

Mr. Vanarsdall - Any questions for Mr. Wilhite? No questions. No opposition. Don’t need to talk to the applicant. I move that POD-24-05, Grayson Hill, Section 2 – Gaskins Road, be approved, subject to the annotations on the plans, the standard conditions for developments of this type and added Conditions Nos. 9 Amended, 11 Amended, 23 through 35, and added Condition No. 36, plus the additional language that says “subject to the caveat of Condition No. 36 of Zoning Case C-35C-04.” That addresses the caveat.

Mr. Archer - Second.

Motion made by Vanarsdall and seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

The Planning Commission approved POD-24-05, Grayson Hill, Section 2 – Gaskins Road, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

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

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

23. The subdivision plat for Grayson Hill, Section 2 shall be recorded before any building permits are issued.

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

25. A standard concrete sidewalk shall be provided along the east side of Gaskins Road.

26. Outside storage shall not be permitted.

27. The proffers approved as a part of zoning case C-35C-04 shall be incorporated in this approval.

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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.

The pavement shall be of an SM-2A type and shall be constructed in accordance with County standard and specifications. The developer shall post a defect bond for all pavement with the Department of Planning - the exact type, amount and implementation shall be determined by the Director of Planning, to protect the interest of the members of the Homeowners Association. The bond shall become effective as of the date that the Homeowners Association assumes responsibility for the common areas.

Prior to the issuance of the last Certificate of Occupancy, a professional engineer must certify that the roads have been designed and constructed in accordance with County standards.

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.

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.

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.

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

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

The proposed BMP facilities in this development shall accommodate the required pollutant loading for the Derby subdivision in its design and construction. The applicant shall eliminate, grade, and reseed the existing BMP within the Derby subdivision once the BMP facilities in this development are completed and accepted by the Department of Public Works, subject to the caveats of condition No. 36 of zoning case C-35C-04.
PLAN OF DEVELOPMENT

Keith Engineering, Inc. for Bonnie M. Pradhan: 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 two-story, 5,966 square foot building addition to an existing convenience store with gas pumps. The 1.3-acre site is located at the southeast corner of the intersection of Brook Road (U.S. Route 1) and J.E.B. Stuart Parkway on parcel 783-769-9052. The zoning is B-3C, Business District (Conditional). County water and sewer. (Fairfield)

Mr. Vanarsdall - Anyone in the audience in opposition to POD-26-05, Superstar?

All right. Thank you. Mr. Cooper.

Mr. Cooper - Good morning, again, members of the Commission. A revised plan has been handed out to you this morning, and staff had several concerns for the original plan submitted. The two most critical issues regarding the original plan were insufficient parking and a lack of adequate traffic circulation around the building. In order to address those concerns, the applicant has reduced the size of the proposed addition, which was originally a two-story, 8,300 sq. ft. detached building to a now proposed 5,966 sq. ft. two-story building to be attached to the existing convenience store. As a result, the existing gas canopy structure on the eastern side of the existing building will be removed. Revised building elevations to illustrate this change have also been provided to you this morning, and within the building addition, the applicant is proposing two small restaurants, comparable to a Dunkin Donuts or Subway. The applicant is also proposing an apartment for the building manager on the second floor of the addition. It is staff’s understanding that an apartment for the manager on duty already exists above the existing convenience store. Staff has discussed this issue with the Code Administrator, and it was determined that only one apartment for a manager on duty may exist for the overall building. The staff has spoken to the applicant regarding this concern this morning. He has indicated that through the addition to the building the wall between the second floor of the existing building and the second floor of the proposed building will be knocked out, therefore, allowing for one large apartment across the top of what is now going to be one building. With that, staff would be acceptable to the accessory use requirements of the zoning, and therefore would be permitted. Otherwise, the second floor of the building addition would have to be considered unfinished storage area in order to meet the parking requirement as it exists now. This information just came to staff this morning, so there was an additional condition added to our Addendum regarding the use of the second floor of the addition. Mr. Pradhan, the owner, is here today and can speak more to the apartment issue, but if he is going to create just one apartment, we would no longer need the additional condition that is listed in your Addendum, and we will just have to re-annotate the floor plan accordingly to note that change. Finally, due to the addition of new parking along the eastern property line, some of the existing landscaping along the existing wall will have to be removed. The applicant has indicated to staff that he is committed to providing that landscaping elsewhere on the property, and it is important to note that the existing landscaping...
along the wall that is on the neighborhood side will not be removed and, if possible, supplemental landscaping will be provided there according to the applicant. In general, the applicant and his engineer have worked with staff to address all outstanding concerns, and with the revised plan before you today, including the annotation regarding the use or elimination of the second floor of the addition, staff can recommend approval of this project. The applicant and his engineer are here today if you have any questions and I will be happy to answer any questions as well.

Are there any questions for Mr. Cooper?

Mr. Cooper, you noted that the parking would be expanded and some of the landscaping lost, but could be supplemented with additional landscaping. How much room will it be between the proposed parking and the wall?

Between the proposed parking and the wall, I would have to say is probably somewhere around four feet. The back of curb and the property line is 10 feet to meet the Code requirement, but I believe that the narrowest point between the wall and the back of curb for the parking along that line would be a matter of 3 to 4 feet, which would allow for planting.

OK, I think there should be an effort made to provide for planting there and there would be additional supplemental planting provided. Thank you.

Mr. Secretary, were you suggesting an additional condition in the addendum?

Yes, we could do it that way. I think not knowing how much space is there, it may be difficult, but I think a condition can be added that to the extent possible that supplemental planting will be provided between the curb and the existing wall. We could add that, Mr. Archer, as No. 38.

OK, since it looks like we are eliminating the current 38 that is on the addendum, this could supplant it.

Yes, sir. I guess 38 is now coming off, Mr. Cooper.

How would you want to word that again, Mr. Secretary?

To the extent feasible, supplemental planting shall be provided between the proposed parking and the existing wall.

Have you got that, Mr. Cooper?

Yes, sir.
All right. Thank you.

Any more questions for Mr. Cooper?

I don’t believe so, Mr. Chairman. I’d like to hear from the applicant and we do have opposition.

Will the applicant come down, please?

Mr. Chairman and members of the Board, I am Jeff Keith with Keith Engineering, representing the applicant, Harry Pradhan, owner of the project. We feel we have satisfied most of the concerns that the County has had concerning this project. The owner is aware of the condition of the single apartment, and we are in agreement that he can only have one apartment up there, if we can rearrange the second floor to meet that requirement. As far as the landscaping issue, Mr. Cooper is correct. It is roughly about four feet we have back there, so we have adequate space to replace landscaping back in that area. It is my understanding that a portion of that landscape requirement on that wall was due to the lighting from the canopy, and we are doing away with the canopy on that side of the building, which should also help that situation, but I can try to answer any questions you may have concerning the project.

I just want to make sure that everybody understands that condition No. 38 that we are removing, that this has to be something that is actually done. We don’t want to just say we are doing it in terms of the apartment upstairs, because it is not allowed, and I have a couple more things that we will probably have to address, but I think I will do best if we hear from the opposition first, and then you will have an opportunity to respond to what they have to say.

Good morning. I am Terry Vaughan with the Bank of Essex, which is next to the convenience store and we have strong concerns about the traffic flow with the additional parking spaces being added. That load through there is very tight now, and if a proposed Subway is going in there, they are typically very busy, and if they are, then there will be a lot of traffic in there parking in and out, and it would interfere possibly with our traffic from the bank, because that is an exit and entrance way to our bank.

I am hearing you, sir. I am just looking down.

That is all right. That is OK. Our concern is because of the traffic pattern.

We had, I can’t call it a companion case, but one that is next door to the bank that was in last month, I believe, and there was also a concern there about traffic circulation, and I think we have resolved that issue by designing a turnaround for trucks to not come out through the parking that you are talking about. They wouldn’t have to cross behind it. The concern that you are raising now, I don’t have an answer there, and I guess Mr.
Jennings could maybe speak to that or the applicant could address it. As it stands right now, does some of the bank traffic exit behind Mr. Pradhan’s store?

Mr. Vaughan - Yes, sir. They come in and out through that entranceway, and we also have one off of Brook Road, as well.

Mr. Archer - I understand that, but are you saying that this plan is going to reduce the size of, I don’t think it will. Will it? Will it actually reduce the size of that entrance way or exit?

Mr. Vaughan - I don’t know that it will reduce it, necessarily, but I think it will make it more congested with the traffic pattern of people coming in and out. You can put those parking spaces right along the wall there, which means people will be pulling in, backing out, and interfere with the flow of traffic.

Mr. Archer - Mr. Jennings, could you help us out here, maybe?

Mr. Jennings - Good morning.

Mr. Archer - Can you point out to us, Mr. Jennings, what the area is he is talking about? It flows out into JEB Stuart Parkway.

Mr. Jennings - Do you see this drive aisle right through here, I guess he is concerned with adding parking along there, but to accommodate his concern, they have designed it as a 30-foot wide drive aisle, but the standard is only 24-foot wide.

Mr. Archer - They didn’t reduce it. It is going to increase it.

Mr. Jennings - It increased it and along their site they have got a 24-foot drive aisle with two-way parking along that same drive aisle. I feel they have adequately addressed his concerns by making a 30-foot drive aisle. They are not changing the entrance on the JEB Stuart Parkway at all, and they have maintained a 30-foot wide two-way drive aisle through there.

Mr. Vaughan - We are not parking in that road though. We are parking on the side of the road, but not on the road that is entering into. We have a turn lane for drive-thru banking, but we don’t have parking on the very back of the building.

Mr. Jennings - The plan that Mr. Pradhan showed me had parking along that drive aisle.

Mr. Vaughan - We have parking on the side of the building but not at the rear of the building, where the road goes.
Mr. Jennings - OK. He is correct, but this will function like any shopping center. As you can see from the aerial photo, Mr. Pradhan, this was not built this way. What Mr. Pradhan just handed me was a proposal for a new POD for this site, and if they did come with this proposed building, they would add parking along that two-way drive aisle, but currently they do not have parking along there, as the bank currently exists, but, as I was saying, it would function as a shopping center through here, a two-way drive aisle, which we do allow parking on, and maybe I should increase it to 30-foot wide, where the minimum is 24.

Mr. Silber - So, Mr. Jennings, you are saying that based on your experience and expertise, there is parking that is being proposed that would be backing out into this driveway and could create some conflict and slow down some traffic, but you believe by widening it from 24-feet to 30-feet helps that situation and you are not overly concerned with the number of parking spaces they have that would be backing out onto this driveway.

Mr. Jennings - No, sir. It would function just like any other POD, that people back in the drive aisles. It may slow people down momentarily, but there are a couple of access points on to Route 1. This wouldn’t be the only access point out of there. I mean, if it was the only access point, I would be concerned, maybe.

Mr. Archer - Now, coming out of that back driving aisle, the only way you can go is the right-turn onto JEB Stuart Parkway. Is that correct? So, it would seem to me then, Mr. Vaughan, is it, the majority of your traffic would probably, well it does, right in off of Route 1. And the people who would access, would exit, unless they are going somewhere down JEB Stuart Parkway, which might be going to the shopping center or whatnot, that would be the extent of the traffic that exits onto JEB Stuart. In view of the fact that the drive aisle is being widened, it doesn’t appear to me, that unless there is just a constant flow of traffic that it would be that much of an impediment to where it comes out there, provided that there is other access to get back to Brook Road.

Mr. Jennings - And plus with the approval of Best Buy, they will be able to go in the other direction, also, in the future.

Mr. Archer - Were you aware of that, Mr. Vaughan, that there has been another POD approval on the other side of the bank?

Mr. Vaughan - Yes.

Mr. Archer - OK.

Mr. Vaughan - This is just a strong concern that we had, but we are concerned about traffic flow because the bank’s customers and traffic being created by Subway.
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Mr. Archer - Well, I think we did help you out some with the last POD, the Best Buy POD, and the truck traffic, had it not been for that POD, would have been allowed to use that same exit way, and that POD we approved a plan that would prohibit them from going out, so that will lessen the impact probably even more so than this POD would, so, hopefully, we can make this work.

Mr. Vaughan - I hope so.

Mr. Archer - But we appreciate your concern and thank you for coming down to express it, sir.

Mr. Silber - Mr. Cooper, the plan is correct in noting the minimum required parking of 46 parking spaces, and they are providing 46, so they are right at their minimum.

Mr. Cooper - That is correct, and actually now that the second floor will be just one apartment, the required amount would actually drop to 45, so they would be one space over.

Mr. Silber - So, if need be, they could take away one parking space on that driveway to perhaps alleviate some of his concern?

Mr. Cooper - Yes, sir. I believe we might have some options there.

Mr. Vanarsdall - All right. Anymore questions? All right, Mr. Archer.

Mr. Archer - OK, Mr. Chairman. This has been difficult to work on and Mr. Cooper has worked very hard on this and kept me informed as to what has been going on the whole time, and I am sure that Mr. Pradhan is aware of this, and Mr. Keith, there are some design constraints that are enforced, but I guess there is a Virginia Center Design Committee. I don’t know exactly what the name of it is, but there are design guidelines that are a part of the covenants, I believe, for Virginia Center, and you will have to comply with those, sir, in the construction of your building, and, of course, that is something that this Commission doesn’t have any purview over. That is between you and them, and hopefully, that will be done, but with the reduction in the building, the annotations on the plan, and the conditions that were added today, I think we have room for approval, and we hope everybody out there is going to be good neighbors and get along.

So, with that, Mr. Chairman, I will move approval of POD-26-05, Superstar, subject to the standard conditions for developments of this type, the additional conditions Nos. 23 through 37 and 38 being the one that is on the addendum, being discarded, and then replaced with the condition that addresses supplemental planting, as stated by the Secretary.

Second.
Mr. Vanarsdall - The motion made by Mr. Archer and seconded by Vanarsdall.
All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

The Planning Commission approved POD-26-05, Superstar – Bonnie M. Pradhan Addition –
Brook Road and J.E.B. Stuart Parkway (POD-95-00 Revised), subject to the standard
conditions attached to these minutes 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 Brook Road (U.S. Route 1) shall be approved
by the Virginia Department of Transportation and the County.

25. A notice of completion form, certifying that the requirements of the Virginia
Department of Transportation entrances permit have been completed, shall be submitted
to the Department of Planning prior to any occupancy permits being issued.

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

27. The proffers approved as a part of zoning case C-113C-88 shall be incorporated in this
approval.

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

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. 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.

32. 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.

33. 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.

34. The owner or manager on duty shall be responsible for temporarily closing the car
facility when the on-site stacking space is inadequate to serve customer demand to

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prevent a backup of vehicles onto the public right-of-way. The owner shall arrange with
the Traffic Engineer to provide standard traffic control signs to notify customers that
stopping or standing on the public right-of-way shall not be permitted near the entrances
to the car wash facility.
35. 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.
36. Refuse containers or refuse storage facilities shall be serviced only between the hours of
6:00 a.m. and 6:00 p.m.
37. Outside storage shall not be permitted.
38. To the extent feasible, supplemental planting shall be provided between the proposed
parking and the existing wall.

SUBDIVISION

Bridlewood, Section 2
(March 2005 Plan)

Koontz-Bryant, P.C. for Bland L. Motley, Jr. and Virginia R. Motley: The 5.289-acre site proposed for a subdivision of
2 single-family homes is located at the northwest intersection of Shady Grove Road and Hames Lane (11010 Hames Lane)
on parcel 742-772-9905. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. (Three Chopt) 2 Lots

Is anyone in the audience in opposition to Bridlewood, Section 2?

Mr. Willhite.

This is a resubdivision of an existing lot on the corner of Shady
Grove and Hames Lane. There is an existing dwelling on what will be lot 16 of this
subdivision. Lot 17 on the corner would be the vacant lot. The water quality information and
environmental site assessment has been provided to the County and is acceptable. The last
issue was the amount of right-of-way dedication along Shady Grove Road. What is required is
three feet of dedication, a total of 33 feet from the centerline of Shady Grove Road.
Dedication would be done with the plat. However, there is no requirement for pavement
widening or curb and gutter at this point. With that, staff can recommend approval of this
plan.

Any questions?

What is that little area behind Section 17 there, is that all part of
Mr. Wilhite - As shown, it was part of lot 16. Staff has recommended that the property line be adjusted and that strip of land to Shady Grove Road be eliminated and incorporated into lot 17.

Mr. Kaechele - It is a part of lot 17?

Mr. Wilhite - Yes, that is staff’s recommendation.

Mr. Kaechele - Thank you.

Mr. Wilhite - Since there is a 25-foot planting strip easement that would be proposed to be added along Shady Grove Road with no ingress/egress, staff has recommended the elimination of that section.

Mr. Vanarsdall - Any more questions of Mr. Wilhite? If not, I will entertain a motion.

Mr. Branin - I make a motion that Bridlewood, Section 2 (March 2005 Plan) be approved, subject to the standard conditions for subdivisions not served by public utilities and added condition No. 11.

Mr. Archer - Second.

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

The Planning Commission granted conditional approval to subdivision Bridlewood, Section 2 (March 2005 Plan), subject to the standard conditions attached to these minutes for subdivisions not served by public utilities, and the following additional condition:

11. The detailed plant list and specifications for the landscaping to be provided within the 25-foot-wide planting strip easement along Shady Grove Road shall be submitted to the Department of Planning for review and approval prior to recordation of the plat.

APPROVAL OF MINUTES: February 23, 2005

Mr. Vanarsdall - We have the approval of minutes. Tommy, do you remember when you got sworn in, whether you were sworn in first before Bonnie-Leigh Jones, or both of you together?

Mr. Branin - We were both together.

Mr. Vanarsdall - Well, the reason I asked you that is because the newer members are required to read all of the minutes.
Read all the minutes, which I did. And, Mr. Chairman, I did read all of the minutes and I didn’t find any problems with them, sir. As a matter of fact, I found them quite humorous.

You should also know that whichever one of you raised your right hand first has seniority.

That would be her as well.

Mr. Archer, I know you read them.

I found nothing, Mr. Chairman.

You didn’t trust me, Mr. Chairman?

I would like to say though that in my comments a little while ago, I said off of, and I know you know that is grammatically incorrect. So, I would like to correct that before the minutes are even typed. Never say off of.

So we need a motion for the minutes of February 23, 2005.

I move approval.

Second.

Motion made by Mr. Archer and seconded by Mr. Branin. All in favor say aye. All opposed say no. The motion passes. The minutes are approved.

I have perhaps two comments, if you would allow me. You may recall that there is a scheduled work session with the Board of Supervisors and the Planning Commission. It was supposed to be a visioning session involving the County’s work on the Comprehensive Plan. We were hoping to meet with the Board and the Planning Commission members to run some concepts by those bodies and to seek input and suggestions on how to move forward with the Comprehensive Plan. This is an opportunity to really get some ideas as to how we want to get this Comprehensive Plan to be completed. That was scheduled for March 31 and April 1. We have had to cancel that because of some scheduling conflicts. We will be attempting to reschedule that visioning session probably likely in June, so I just wanted to let you know, if you hadn’t heard, it has been cancelled and we will be rescheduling.

The second comment I would just like to make is I believe you all are aware, but if not, I wanted to tell you sort of belatedly that the latest we know about John Marlles’ situation is that…. is everyone aware John Marlles was in the hospital in California? Maybe I don’t need to elaborate, but we did not hear any news last night, so I don’t have anything to report as of
last night, but to the best of our knowledge, he is still in intensive care and is heavily sedated and is on a ventilator, so he is a very sick individual right now and we are praying and hoping that he will recover soon and fully, and that he can deal with this serious dilemma with leukemia. I just wanted to give you that update. With that I have no other comments. I understand that several of you had a nice trip to San Francisco and that the weather was warm and beautiful, sunny the entire time.

Mr. Vanarsdall - I would like to report that Mr. Kaechele behaved himself.

Mr. Kaechele - I attended a lot of meetings, as well. I can tell some stuff on Mr. Vanarsdall, too. He was in a committee meeting out there and I don’t know what they were studying, but anyway they worked all through the morning session and it was time for lunch, and then they decided they were going to work through, and they decided well, what are we going to have for lunch, and part of the discussion said maybe we’d have steak sandwiches and then they decided that was too much. The supervisors back home may not approve it. And then they thought they’d have Chinese food and they couldn’t agree on that, because it might not sustain them through the afternoon, and somebody thought about getting a salad, and they could all split that, and they didn’t think that was enough diversification, and so the upshot was that they didn’t have any lunch. But they all agreed that it was a fair hearing process.

Mr. Vanarsdall - Ms. Goggin’s behavior was pretty good there.

Mr. Silber - Mr. O’Kelly was in attendance as well.

Mr. Vanarsdall - It goes without saying that you know that Mr. O’Kelly behaved himself.

Mr. Archer - Mr. Chairman, it occurs to me that all of you talking about how well you behaved, sounds like that is a pre-emptive strike to me.

Mr. Branin - Mr. Chairman, I would also like to state that I will be working on my motions, so I will get them down better for you, sir. Could you give me one second to get a second every now and then? I just wanted to second once.

Mr. Vanarsdall - I told you I would help you out when you get the next package. You and I are going to lunch together and I am going to go over it with you.

Mr. Archer - Mr. Chairman, with that I move for immediate adjournment.

Mr. Branin - Second.

Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Branin. All in favor say aye. All opposed say no. The meeting was adjourned at 10:38 a.m.

March 30, 2005
On a motion by Mr. Archer and seconded by Mr. Branin, the Planning Commission adjourned its March 30, 2005, meeting at 10:38 a.m.

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Ernest B. Vanarsdall, C.P.C., Chairman

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Randall R. Silber, Secretary