

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County,
2 held in the Board Room of the County Administration Building in the Government Center
3 at Parham and Hungary Spring Roads, beginning at 9:00 a.m. Wednesday, March 26,
4 2008.

5
6

Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)
Mrs. Bonnie-Leigh Jones, Vice Chairperson (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mr. Tommy Branin (Three Chopt)
Mr. David D. O'Kelly, Assistant Director of Planning
Acting Secretary
Mr. Richard W. Glover (Brookland)
Board of Supervisors Representative

Absent: Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner

Others Present: Ms. Leslie A. News, CLA, Principal Planner
Mr. James P. Strauss, CLA, County Planner
Mr. Michael F. Kennedy, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Matt Ward, County Planner
Mr. Gregory Garrison, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Mrs. Aimee Berndt, County Planner
Mr. Jonathan W. Steele, G.I.S. Manager
Mr. Mike Jennings, Traffic Engineer
Ms. Kim Van, Police Division
Ms. Diana B. Carver, Recording Secretary

7

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

10

11 Mr. Jernigan - Good morning, ladies and gentlemen. Good morning staff.

12

13 Mr. Vanarsdall - Good morning, Mr. Chairman.

14

15 Mr. Jernigan - We'd like to welcome you to our March 26, 2008 meeting for
16 Subdivisions and Plans of Development. I'd like to turn the meeting over to our
17 secretary, Dave O'Kelly. He will be sitting in for Mr. Emerson today.

18

19 Mr. O'Kelly - Thank you, Mr. Chairman. Good morning members of the
20 Commission.

21
 22 Mr. Branin - Good morning, Mr. O'Kelly.
 23
 24 Mr. Archer - Good morning, Mr. O'Kelly.
 25
 26 Mr. O'Kelly - All members are present. First item on the agenda this
 27 morning are requests for deferrals and withdrawals. Ms. Leslie News will walk us
 28 through those.
 29
 30 Ms. News - Yes sir. Good morning, Mr. Secretary, members of the
 31 Commission.
 32
 33 Mr. Jernigan - Good morning.
 34
 35 Mrs. Jones - Good morning.
 36
 37 Mr. Vanarsdall - Good morning.
 38
 39 Ms. News - There are two requests for deferral on your agenda this
 40 morning. The first item is located in the Fairfield District and is on page 10 of your
 41 agenda. This is several POD's for the Glen Lea Shopping Center. PODs-03-71, 36-71,
 42 108-73, 47-75, 121-83, and 78-91. The applicant is requesting a deferral of this TOA
 43 until April 23, 2008. This is a transfer of approval.
 44

45 **TRANSFER OF APPROVAL**
 46

POD-03-71, 36-71, 108-73, 47-75, 121-83 and 78-91 Glen Lea Shopping Center – Laburnum Avenue and Mechanicsville Turnpike	Luke Pucinelli for Macquarie Countrywide-Regency Centers: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Glen Lea Shopping Center, Inc., F. Earl Frith and Donald G. Sink, and Old Dominion Realty Trust to Macquarie Countrywide- Regency Centers. The 9.211-acre site is located on the northwest corner of E. Laburnum Avenue and Mechanicsville Turnpike (U.S. Route 360) on parcel 802-736-8028. The zoning is B-2, Business District. County water and sewer. (Fairfield)
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47
 48 Mr. Jernigan - Is there any opposition to the deferral of PODs-03-71, 36-71,
 49 108-73, 47-75, 121-83 and 78-91, Glen Lea Shopping Center? No opposition.
 50
 51 Mr. Archer - Therefore, Mr. Chairman, I will move deferral of PODs-03-
 52 71, 36-71, 108-73, 47-75, 121-83 and 78-91, Glen Lea Shopping Center until the April
 53 23, 2008 meeting at the request of the applicant.
 54
 55 Mr. Vanarsdall - Second.

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

58
59 At request of the applicant, the Planning Commission deferred PODs-03-71, 36-71,
60 108-73, 47-75, 121-83 and 78-91, Glen Lea Shopping Center, to its April 23, 2008
61 meeting.

62
63 Ms. News - The next item is on page 23 of your agenda and is located in
64 the Tuckahoe District. This is POD-68-07, The Shire @ Pump and Church. The
65 applicant has requested a deferral to the April 23, 2008 meeting.

66
67 **PLAN OF DEVELOPMENT & MASTER PLAN**
68 *(Deferred from the February 27, 2008 Meeting)*

69
70
71 **POD-68-07** **Kimley Horn for Kevin McFadden and The Rebkee**
72 **The Shire @ Pump and Church – Church Road** **Company:** Request for approval of a plan of development
73 **and Pump Road** and master plan as required by Chapter 24, Section 24-
74 106 of the Henrico County Code, to construct five, one-
75 story retail buildings (Buildings 1-5) totaling 50,480 square
76 feet and a master plan for a future one-story retail building
77 (Building 6) totaling 12,900 square feet. The 21-acre site is
78 located at the southwest corner of the intersection of Pump
79 and Church Roads on parcels 739-754-7156 and 739-753-
80 1396. The zoning is B-2C, Business District (Conditional),
81 C-1C, Conservation District, RTHC, Residential
82 Townhouse District (Conditional) and R-3AC, One-Family
83 Residence District (Conditional), B-3, Business District and
84 R-5A, General Residence District. County water and
85 sewer. (Tuckahoe)

70
71 Mr. Jernigan - Is there any opposition to deferral of POD-68-07, The Shire
72 @ Pump and Church? No opposition.

73
74 Mrs. Jones - Then I move deferral of POD-68-07, The Shire @ Pump and
75 Church, to the April 23, 2008 meeting at the request of the applicant.

76
77 Mr. Vanarsdall - Second.

78
79 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in
80 favor say aye. All opposed say no. The ayes have it; the motion passes.

81
82 At request of the applicant, the Planning Commission deferred POD-68-07, The Shire
83 @ Pump and Church, to its April 23, 2008 meeting.

84
85 Ms. News - Those are all the requests we are aware of.

86

87 Mr. Jernigan - Thank you.

88
89 Mr. O'Kelly - Mr. Chairman, the next item on the agenda is the expedited
90 agenda. Unless the Planning Commission has any other deferrals, the next item would
91 be the expedited agenda. In order for items to be considered on the expedited agenda,
92 staff and the applicant must be in agreement on the recommendations and conditions,
93 the applicant makes a request to be on the expedited agenda in writing, and there is no
94 known opposition to the case. If during the hearing this morning, opposition does
95 appear, then the item will be removed from the expedited agenda and will be heard in
96 the order it appears on the regular agenda. Any member of the Planning Commission
97 can also request that an item be removed from the expedited agenda. Again, Leslie
98 News will lead us through those items on the expedited agenda.

99
100 Ms. News - Yes sir. We have 14 items on our expedited agenda this
101 morning. The first item is on page 4 of your agenda and is located in the Three Chopt
102 District. This is a transfer of approval for POD-20-04, Independence Park Medical
103 Offices. Staff recommends approval.

104
105 **TRANSFER OF APPROVAL**

106
107
108 **POD-20-04** **Brian Jenkins for IP Lot #4 Virginia LLC:** Request for a
109 Independence Park partial transfer of approval as required by Chapter 24,
110 Medical Offices – Section 24-106 of the Henrico County Code from GMH
111 Independence Park Drive Virginia, LLC to IP Lot #4 Virginia LLC. The 3.67-acre site
112 is located at the southern terminus of Independence Park
113 Drive and the northeast intersection of Gaskins Road and
114 Interstate 64 on parcel 751-756-7896. The zoning is M-2C,
115 Light Industrial District (Conditional). County water and
116 sewer. **(Three Chopt)**

117
118
119 Mr. Jernigan - All right. Is there any opposition to POD-20-04,
120 Independence Park Medical Offices? No opposition.

121
122
123 Mr. Branin - All right. I would like to move that POD-20-04, Independence
124 Park Medical Offices, be approved on the expedited agenda.

125
126 Mr. Vanarsdall - Second.

127
128
129 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
130 favor say aye. All opposed say no. The ayes have it; the motion passes.

131
132
133 The Planning Commission approved the transfer of approval request for POD-20-04,
134 Independence Park Medical Offices, from GMH Virginia, LLC to IP Lot #4 Virginia LLC,
135 subject to the standard and added conditions previously approved.

123 Ms. News - The next item is on page 6 of your agenda and is located in
124 the Brookland District. This is transfer of approval for POD-116-87, Paragon Place II.
125 Staff recommends approval.

126
127 **TRANSFER OF APPROVAL**

128
POD-116-87 **Brandywine Operating Partnership, LP for TPP**
Paragon Place II – 6802 **Corporation:** Request for transfer of approval as required
Paragon Place by Chapter 24, Section 24-106 of the Henrico County
Code from TPP Corporation to Brandywine Operating
Partnership, L.P. The 7.527-acre site is located on the
south line of Bethlehem Road, approximately 730 feet
south of Glenside Drive at 6802 Paragon Place on parcel
769-746-2635. The zoning is B-2C District. County water
and sewer. **(Brookland)**

129
130 Mr. Jernigan - Is there any opposition to TOA POD-116-87, Paragon Place
131 II? No opposition.

132
133 Mr. Vanarsdall - I move that transfer of approval POD-116-87, Paragon Place
134 II, be approved with one condition, site deficiencies identified on March 12 shall be
135 taken care of by March 31.

136
137 Mrs. Jones - Second.

138
139 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mrs. Jones. All in
140 favor say aye. All opposed say no. The ayes have it; the motion carries.

141
142 The Planning Commission approved the transfer of approval request for POD-116-87,
143 Paragon Place II, from TPP Corporation to Brandywine Operating Partnership, L.P.,
144 subject to the standard and added conditions previously approved and the following
145 additional condition:

- 146
147 1. The site deficiencies, as identified in the inspection report, dated March 12, 2008
148 shall be corrected by March 31, 2008.

149
150 Ms. News - The next item is on page 8 of your agenda and is located in
151 the Fairfield District. This is transfer of approval for POD-52-93, Child Care Service,
152 formerly Brook Hair Designs. Staff recommends approval.

153

154 **TRANSFER OF APPROVAL**
155

POD-52-93 **Winston DeVisser:** Request for transfer of approval as
Child Care Service required by Chapter 24, Section 24-106 of the Henrico
(formerly Brook Hair County Code from Maria DeShazo to Winston DeVisser.
Designs) The .364-acre site is located on the east line of Brook
7511 Brook Road Road (U.S. Route 1) approximately 200 feet north of Ridge
Road on parcel 784-753-7511. The zoning is B-1,
Business District. County water and sewer. **(Fairfield)**

156
157 Mr. Jernigan - Is there any opposition to transfer of approval POD-52-93,
158 Child Care Service (formerly Brook Hair Designs)? No opposition, Mr. Archer.

159
160 Mr. Archer - Mr. Chairman, I move approval of transfer of approval POD-
161 52-93, Child Care Service (formerly Brook Hair Designs), subject to the staff
162 recommendations and condition number one.

163
164 Mrs. Jones - Second.

165
166 Mr. Jernigan - Motion by Mr. Archer, seconded by Mrs. Jones. All in favor
167 say aye. All opposed say no. The ayes have it; the motion passes.

168
169 The Planning Commission approved the transfer of approval request for POD-52-93,
170 Child Care Service (formerly Brook Hair Designs), from Maria DeShazo to Winston
171 DeVisser, subject to the standard and added conditions previously approved and the
172 following additional condition:

173
174 1. The site deficiencies as identified in the inspection report, dated February 11,
175 2008 shall be corrected by April 15, 2008.

176
177 Ms. News - The next item is on page 9 of your agenda and is located in
178 the Brookland District. This is a transfer of approval for POD-04-98 and 96-73, BB&T,
179 which is formerly Metropolitan National Bank and First Union Bank. There's an
180 addendum item on page 2 of your addendum. The addendum includes a revised
181 recommendation for approval and it indicates that a bond has been submitted and
182 posted to cover the cost of the deficiencies. Staff can recommend approval.

183

184 **TRANSFER OF APPROVAL**

185
POD-04-98 and POD-96-73 **Mark Stephens for BB&T & First States Investors, 6000C:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Metropolitan National Bank and Dominion Bank of Richmond to First States Investors, 6000C. The .998-acre site is located on the southeast corner of Staples Mill Road (U.S. Route 33) and E. Parham Road on parcel 770-755-3230. The zoning is O-2, Office District. County water and sewer. **(Brookland)**

186
187 Mr. Jernigan - All right. Is there any opposition to the transfer of approval of
188 POD-04-98 and POD-96-73 BB&T (formerly Metropolitan National Bank and First Union
189 Bank)? No opposition.

190
191 Mr. Vanarsdall - I move that transfer of approval of POD-04-98 and POD-96-
192 73 BB&T (formerly Metropolitan National Bank and First Union Bank), be approved on
193 the expedited agenda. The addendum says that staff can now recommend approval.

194
195 Mr. Archer - Second.

196
197 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
198 favor say aye. All opposed say no. The ayes have it; the motion passes.

199
200 The Planning Commission approved the transfer of approval request for POD-04-98
201 and POD-96-73 BB&T (formerly Metropolitan National Bank and First Union Bank), from
202 Metropolitan National Bank and Dominion Bank of Richmond to First States Investors,
203 6000C, subject to the standard and added conditions previously approved.

204
205 Ms. News - The next item is on page 13 of your agenda and is located in
206 the Three Chopt District. This is a landscape and lighting plan, LP/POD-45-06,
207 Bellingham. Staff can recommend approval.

208
209 **LANDSCAPE & LIGHTING PLAN**

210
LP/POD-45-06 **Laura Gadsby for HHHunt:** Request for approval of a
Bellingham-Hickory Park landscape and lighting plan, as required by Chapter 24,
Drive and Hickory Bend Sections 24-106 and 24-106.2 of the Henrico County
Drive Code. The 15.66- acre site is located at the southeast
corner of the intersection of Hickory Bend Drive and
Hickory Park Drive on parcel 746-770-2731. The zoning is
RTHC, Residential Townhouse District (Conditional).
(Three Chopt)

211

212 Mr. Jernigan - Is there any opposition to landscape and lighting plan
213 LP/POD-45-06, Bellingham? No opposition.

214
215 Mr. Branin - Mr. Chairman, I'd like to move that LP/POD-45-06,
216 Bellingham, be approved on the expedited agenda.

217
218 Mrs. Jones - Second.

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

222
223 The Planning Commission approved the landscape plan and lighting plan for LP/POD-
224 45-06, Bellingham, subject to the standard conditions attached to these minutes for
225 landscape and lighting plans.

226
227 Ms. News - The next item is on page 14 of your agenda and located in
228 the Three Chopt District. This is a landscape and lighting plan, LP/POD-61-06 for the
229 Wingate Inn. Staff can recommend approval.

230
231 **LANDSCAPE & LIGHTING PLAN**

232
LP/POD-61-06 **Bay Design Group, P.C. for Gayton Road Properties,**
Wingate Inn – North **LLC:** Request for approval of a landscape and lighting
Gayton Road plan, as required by Chapter 24, Sections 24-106 and 24-
106.2 of the Henrico County Code. The 1.547-acre site is
located on the east line of N. Gayton Road, approximately
540 feet north of W. Broad Street (U.S. Route 250) on
parcel 734-765-4705. The zoning is B-3C, Business
District (Conditional) and WBSO (West Broad Street
Overlay) District. **(Three Chopt)**

233
234 Mr. Jernigan - Is there any opposition to LP/POD-61-06, Wingate Inn? No
235 opposition.

236
237 Mr. Branin - Okay, Mr. Chairman, I'd like to move that LP/POD-61-06,
238 Wingate Inn, be approved on the expedited agenda.

239
240 Mrs. Jones - Second.

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

244
245 The Planning Commission approved the landscape and lighting plan for LP/POD-61-06,
246 Wingate Inn, subject to the standard conditions attached to these minutes for landscape
247 and lighting plans.

248

249 Ms. News - Next on page 15 of your agenda and located in the Fairfield
250 District is POD-14-08, the Townes @ Stonewall Manor. Staff can recommend approval.
251

**PLAN OF
DEVELOPMENT**

POD-14-08
Townes @ Stonewall
Manor – Sanctuary and
Shurm Drives

**Bay Design Group, PC for Community Development
Partners, LLC:** Request for approval of a plan of
development, as required by Chapter 24, Section 24-106
of the Henrico County Code, to construct 10, two-story
buildings containing 45 residential condominiums. The
3.939-acre site is located on the south line of Sanctuary
Drive, approximately 1,000 feet from the east intersection
of E. Parham Road and Sanctuary Drive between Skirmish
Run Drive and Honor Drive on parcel 781-756-5920 and
part of parcel 781-756-5960. The zoning is R-5C, General
Residence District (Conditional). County water and sewer.
(Fairfield)

252
253 Mr. Jernigan - Is there any opposition to POD-14-08, the Townes @
254 Stonewall Manor? No opposition.

255
256 Mr. Archer - Mr. Chairman, I will move for approval of POD-14-08, the
257 Townes @ Stonewall Manor, subject to the annotations on the plans, standard
258 conditions for developments of this type, and the additional conditions 29 through 35.

259
260 Mr. Vanarsdall - Second.

261
262 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
263 favor say aye. All opposed say no. The ayes have it; the motion passes.

264
265 The Planning Commission approved POD-14-08, the Townes @ Stonewall Manor,
266 subject to the annotations on the plans, the standard conditions attached to these
267 minutes for developments of this type, and the following additional conditions:

- 268
269 29. The unit house numbers shall be visible from the parking areas and drives.
270 30. The names of streets, drives, courts and parking areas shall be approved by the
271 Richmond Regional Planning District Commission and such names shall be
272 included on the construction plans prior to their approval. The standard street
273 name signs shall be installed prior to any occupancy permit approval.
274 31. The proffers approved as a part of zoning case C-30C-07 shall be incorporated in
275 this approval.
276 32. All exterior lighting fixtures shall be designed and arranged so the source of light
277 is not visible from the roadways or adjacent residential properties. The lighting
278 shall be low intensity, residential in character, and the height or standards shall
279 not exceed 15 feet.
280 33. The location of all existing and proposed utility and mechanical equipment
281 (including HVAC units, electric meters, junction and accessory boxes,
282 transformers, and generators) shall be identified on the landscape plans. All

- 283 equipment shall be screened by such measures as determined appropriate by
284 the Director of Planning or the Planning Commission at the time of plan approval.
285 34. The developer shall provide signage, the wording and location as deemed
286 appropriate by the Director of Public works, which addresses the possible future
287 extension of any stub street.
288 35. All trash receptacles shall be screened and located in the rear of each residential
289 unit.

290
291 Ms. News - Next on page 17 of your agenda and located in the
292 Brookland District is a reconsideration of SUB-53-07, Staples Mill Centre for 33 lots.
293 This is to increase the number of lots from 31 to 33 lots.

294
295 **SUBDIVISION RECONSIDERATION**
296

SUB-53-07 Staples Mill Centre (September 2007 Plan) Bethlehem Road	E. D. Lewis & Associates for Ollin Toler: The 1.06-acre site proposed for a subdivision of 33 townhouses for sale is located on the south line of Bethlehem Road, approximately 370 feet west of the west line of Staples Mill Road on parcels 773-40-5043, 8899, 9498; 774-740-0096, 0894, 1592, 2190 and 773-741-8102. The zoning is UMUC, Urban Mixed Use District (Conditional). County water and sewer. (Brookland) 33 Lots
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297
298 Mr. Jernigan - Is there any opposition to SUB-53-07, Staples Mill Centre
299 (September 2007 Plan)? No opposition.

300
301 Mr. Vanarsdall - I move that SUB-53-07, Staples Mill Centre (September
302 2007 Plan), be approved on the expedited agenda with the annotations on the plans,
303 the standard conditions for residential townhouse subdivisions served by public utilities,
304 and the following conditions 15 through 17.

305
306 Mr. Archer - Second.

307
308 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
309 favor say aye. All opposed say no. The ayes have it; the motion passes.

310
311 The Planning Commission granted conditional approval to SUB-53-07, Staples Mill
312 Centre (February 2007 Plan), subject to the standard conditions attached to these
313 minutes for subdivisions served by public utilities, the annotations on the plans, and the
314 following additional conditions:

- 315
316 15. A County standard sidewalk shall be constructed along the south side of
317 Bethlehem Road.
318 16. The proffers approved as part of zoning case C-15C-07 shall be incorporated in
319 this approval.

320 17. The applicant shall obtain vacation of any lots in Westbourne Subdivision which
321 are within the limits of this subdivision prior to final approval of the plat.
322

323 Ms. News - The next item is on page 22 of your agenda and is located in
324 the Three Chopt District. This is POD-42-06, West Broad Village. This is Prospect
325 Home architecturals for the townhouses. There is an addendum item on page 5 of the
326 addendum that indicates there is a revised plan in your addendum and the developer
327 has submitted an architectural plan showing the additional detailing and brick finishes
328 for the side building walls facing the streets. Materials are consistent with the proffered
329 sketch plans. Staff can recommend approval.
330

331 **PLAN OF DEVELOPMENT – PROSPECT HOMES ARCHITECTURALS**
332 *(Deferred from the February 27, 2008 Meeting)*
333

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

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

334
335 Mr. Jernigan - Is there any opposition POD-42-06, West Broad Village
336 architecturals?
337

338 Mrs. Jones - Mr. Chairman, I will not be voting on this case due to a
339 representational conflict.
340

341 Mr. Jernigan - Okay. Thank you, Mrs. Jones. We have no opposition.
342

343 Mr. Branin - All right, Mr. Chairman. First, I'd like to thank Prospect
344 Homes for working with me on this project and keeping the integrity and the quality of
345 this project going. I'd like to move for approval of POD-42-06, West Broad Village on
346 the expedited agenda.
347

348 Mr. Archer - Second.
349

350 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Archer. All in favor
351 say aye. All opposed say no. The ayes have it; the motion passes.
352

353 The vote was as follows:

354

355 Mr. Jernigan - Yes
356 Mrs. Jones - Abstain
357 Mr. Archer - Yes
358 Mr. Vanarsdall - Yes
359 Mr. Branin - Yes

360

361 The Planning Commission approved POD-42-06, West Broad Village, subject to the
362 annotations on the plans, and the conditions previously approved for this plan of
363 development by the Planning Commission at their April 25, 2007 Meeting.

364

365 Ms. News - The next item is on page 26 of your agenda and is located in
366 the Three Chopt District. This is POD-15-89, Food Lion/Bloom at the Lauderdale
367 Square Shopping Center. There is an addendum item on page 5 of your addendum
368 that indicates that the developer has submitted revised plans showing the materials are
369 consistent and harmonious with the remainder of the shopping center. Staff can now
370 recommend approval.

371

372 **PLAN OF DEVELOPMENT** (*Deferred From the February 27, 2008 Meeting*)

373

POD-15-89
Food Lion/Bloom
Lauderdale Square
Shopping Center

Interplan, LLC and Omar Joyner for Food Lion Inc.:
Request for approval of a reconsideration of a plan of
development, as required by Chapter 24, Section 24-106
of the Henrico County Code, to revise elevations for an
existing grocery store in a shopping center. The 2.9-acre
site is located at the northeast corner of Lauderdale Drive
and Church Road on parcel 734-757-2001. The zoning is
B-2C, Business District (Conditional). County water and
sewer. **(Three Chopt)**

374

375 Mr. Jernigan - Is there any opposition to POD-15-89, Food Lion/Bloom? No
376 opposition.

377

378 Mr. Branin - Mr. Chairman, I'd like to move that POD-15-89, Food
379 Lion/Bloom, be approved on the expedited agenda with the annotations on the plans.

380

381 Mr. Archer - Second.

382

383 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Archer. All in favor
384 say aye. All opposed say no. The ayes have it; the motion passes.

385

386 The Planning Commission approved POD-15-89, Food Lion/Bloom, subject to the
387 annotations on the plans, and the original conditions of approval approved by the
388 Planning Commission on March 3, 1989.

389

390 Ms. News - The next item is on page 27 of your agenda and also located
391 in the Three Chopt District. This is POD-81-99, Food Lion/Bloom conversion in Twin
392 Hickory Town Center. There is an addendum item on page 6 of your addendum
393 indicating that there's a revised plan in your addendum, and a revised recommendation
394 indicating the developer has submitted revised architectural plans showing materials
395 that are consistent and harmonious with the remainder of the shopping center. Staff can
396 now recommend approval.

397

398 **PLAN OF DEVELOPMENT** (*Deferred from the February 27, 2008 Meeting*)

399

POD-81-99 Food Lion/Bloom Twin Hickory Town Center	Interplan, LLC, Twin Hickory, LLC and Edens & Avant and Omar Joyner for Food Lion Inc.: Request for approval of a reconsideration of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to revise elevations for an existing grocery store in a shopping center. The 7.04-acre site is located at the northwest corner of Nuckols Road and Twin Hickory Road on parcel 746-772-0397. The zoning is B-2C, Business District (Conditional). County water and sewer. (Three Chopt)
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400

401 Mr. Jernigan - Is there any opposition to POD-81-99, Food Lion/Bloom at
402 Twin Hickory Town Center? No opposition.

403

404 Mr. Branin - Mr. Chairman, I'd like to move that POD-81-99, Food
405 Lion/Bloom, be approved on the expedited agenda with the annotations on the plans.

406

407 Mrs. Jones - Second.

408

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

411

412 The Planning Commission approved POD-81-99, Food Lion/Bloom, subject to the
413 annotations on the plans, and the original conditions of approval approved by the
414 Planning Commission on December 15, 1999.

415

416 Ms. News - Next on page 35 of your agenda and located in the Three
417 Chopt District is a landscape and lighting plan, LP/POD-19-07 for the Retail Shops @
418 Short Pump. Staff can recommend approval.

419

420 **LANDSCAPE & LIGHTING PLAN**

421

LP/POD-19-07 **D. Neil Rankins for Short Pump Corners LZB, L.C.:**
Retail Shops @ Short Pump Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.25-acre site is located on the south line of W. Broad Street (U.S. Route 250) approximately 1,005 feet west of Pump Road on parcel 739-762-0100. The zoning is B-2C, Business District (Conditional) and WBSO (West Broad Street Overlay) District. **(Three Chopt)**

422

423 Mr. Jernigan - Is there any opposition to LP/POD-19-07, Retail Shops @
424 Short Pump? No opposition.

425

426 Mr. Branin - Then, Mr. Chairman, I'd like to move that LP/POD-19-07,
427 Retail Shops @ Short Pump, be approved on the expedited agenda.

428

429 Mr. Archer - Second.

430

431 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Archer. All in favor
432 say aye. All opposed say no. The ayes have it; the motion passes.

433

434 The Planning Commission approved the landscape and lighting plan for LP/POD-19-07,
435 Retail Shops @ Short Pump, subject to the standard conditions attached to these
436 minutes for landscape and lighting plans.

437

438 Ms. News - Next on page 36 of your agenda and located in the Three
439 Chopt District is a landscape and lighting plan, LP/POD-20-07 for the La-Z-Boy @ Short
440 Pump. Staff can recommend approval.

441

442 **LANDSCAPE & LIGHTING PLAN**

443

LP/POD-20-07 **D. Neil Rankins for Short Pump Corners LZB, L.C.:**
La-Z-Boy @ Short Pump Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.18-acre site is located on the south line of W. Broad Street (U.S. Route 250) approximately 750 feet west of Pump Road on parcel 739-761-2693. The zoning is B-2C, Business District (Conditional) and WBSO (West Broad Street Overlay) District. **(Three Chopt)**

444

445 Mr. Jernigan - Is there any opposition to LP/POD-20-07, La-Z-Boy @ Short
446 Pump? No opposition.

447 Mr. Branin - Mr. Chairman, I'd like to move that LP/POD-20-07, La-Z-Boy
448 @ Short Pump, be approved on the expedited agenda.

449
450 Mrs. Jones - Second.

451
452 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in favor
453 say aye. All opposed say no. The ayes have it; the motion passes.

454
455 The Planning Commission approved the landscape and lighting plan for LP/POD-20-07,
456 La-Z-Boy @ Short Pump, subject to the standard conditions attached to these minutes
457 for landscape and lighting plans.

458
459 Ms. News - The final item is on page 37 of your agenda and located in
460 the Varina District. This is SUB-07-08, Woodlawn Terrace (March 2008 Plan) for one
461 lot. There is an addendum item correcting the caption to revise the name of the
462 subdivision and to note the ASO District in the caption. Staff can recommend approval.

463
464 **SUBDIVISION**

465
SUB-07-08 **Balzer & Associates, Inc. for Stephen R. Marks and**
Woodlawn Terrace (March **Emerald Land Development, LLC:** The 0.25-acre site
2008 Plan) proposed for a subdivision of 1 single-family home is
Defense Avenue and located approximately 795 feet east of Bond Street on the
Algiers Drive north line of Defense Avenue at the intersection with
Algiers Drive on parcel 830-717-0339. The zoning is R-4,
One-Family Residence District **and ASO (Airport Safety**
Overlay) District. County water and sewer. **(Varina)**
1 Lot

466
467 Mr. Jernigan - Is there any opposition to SUB-07-08, Woodlawn Terrace
468 (March 2008 Plan)? There is no opposition. With that, I will move for approval of SUB-
469 07-08, Woodlawn Terrace (March 2008 Plan), subject to the annotations on the plans,
470 the standard conditions for subdivisions served by public utilities, and the revised
471 caption in the addendum.

472
473 Mr. Vanarsdall - Second.

474
475 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
476 favor say aye. All opposed say no. The ayes have it; the motion passes.

477
478 Ms. News - That completes our expedited agenda.

479
480 Mr. Jernigan - Thank you, Ms. News.

481
482 Mr. O'Kelly - Mr. Chairman, the next item on the agenda are the
483 subdivision extensions. Two of those subdivisions require Planning Commission action

484 and two are for informational purposes only. Ms. Christina Goggin will lead the
 485 Commission through those recommendations.

486
 487 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

488
 489 **PLANNING COMMISSION APPROVAL**

490

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
Effinger Drive (A Ded. of a Portion of Effinger Drive)	0	0	8	Fairfield	03/25/2009
Trivett Woods (May 2002 Plan)	8	8	6	Fairfield	03/25/2009

491
 492
 493 **FOR INFORMATIONAL PURPOSES ONLY**

494

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
Mansfield Wood (March 2006 Plan)	105	41	1	Varina	03/25/2009

495
 496 Mr. Jernigan - Good morning.

497
 498 Ms. Goggin - Good morning. Like Mr. O'Kelly said, we have two
 499 subdivisions in front of you today that would require Planning Commission approval for
 500 extension. Unfortunately, for Trivett Woods, the developer did not send in their request
 501 nor their money for that, so it can't be approved. Effinger Driver, on the other hand,
 502 even though it has had eight previous extensions, it's for a continuation of a stub road
 503 off of Mechanicsville Turnpike. The developer, Eugene West, has requested an
 504 extension due to the economic outlook in the near future and would like to reserve his
 505 right to build that road.

506
 507 Mr. Jernigan - Okay. Is there an opposition to approval of Effinger Drive?
 508 There is no opposition.

509
 510 Mr. Archer - Mr. Chairman, I move approval of the extension of Effinger
 511 Driver.

512
 513 Mr. Vanarsdall - Second.

514
 515 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
 516 favor say aye. All opposed say no. The ayes have it; the motion passes.

517

518 The Planning Commission voted to approve subdivision extension of conditional
519 approval for 12 months to March 25, 2009, for Effinger Drive.

520

521 **TRANSFER OF APPROVAL** (Deferred from the February 27, 2008 Meeting)

522

POD-36-96 **C. B. Richard Ellis of Virginia, Inc. for Fawn Industrial, LLC and 1881 Industrial, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Highwoods/Forsyth, L.P. to Fawn Industrial, LLC and 1881 Industrial, LLC. The 17.7-acre site is located on the east line of Lewis Road, approximately 400 feet north of Eubank Road on parcel 819-712-7580. The zoning is M-1, Light Industrial District. County water and sewer. **(Varina)**

523

524 Mr. Jernigan - Is there any opposition to POD-36-96, Highwoods Center?

525 No opposition.

526

527 Mr. Ward - Good morning. The site inspection was completed at the
528 property yesterday and deficiencies have been corrected. Therefore, staff can
529 recommend approval of the Highwoods Center transfer of approval.

530

531 Mr. Jernigan - Okay. We thank you, sir.

532

533 Mr. Ward - Okay.

534

535 Mr. Jernigan - All right. With that, I will for approval of transfer of approval
536 POD-36-96, Highwoods Center on Lewis Road.

537

538 Mrs. Jones - Second.

539

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

542

543 The Planning Commission approved the transfer of approval request for POD-36-96,
544 Highwoods Center, from Highwoods/Forsyth, L.P. to Fawn Industrial, LLC and 1881
545 Industrial, LLC., subject to the standard and added conditions previously approved.

546

547 **TRANSFER OF APPROVAL** *(Deferred from the February 27, 2008 Meeting)*
548

POD-26-92 (POD-9-86
Revised)
Republic Plaza – 4501
Williamsburg Road

Nabil Hafez for Republic Plaza LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Mask Investments LLC to Republic Plaza LLC. The 2.658-acre site is located on the south line of Williamsburg Road, approximately 800 feet from the intersection with Laburnum Avenue on parcel 815-713-6182. The zoning is M-1, Light Industrial District. County water and sewer. **(Varina)**

549
550 Mr. Jernigan - Is there any opposition to transfer of approval POD-26-92
551 (POD-9-86 Revised) Republic Plaza? No opposition.
552

553 Mr. Pambid - The new owner has agreed to correct all landscaping
554 deficiencies in advance of the release of Certificates of Occupancy for three tenant
555 spaces. The deficiencies include missing landscaping and street trees. Staff
556 recommends approval of this transfer subject to the condition in your agenda. I can
557 answer any questions you might have about this.
558

559 Mr. Jernigan - Are there any questions for Mr. Pambid from the
560 Commission? Okay. With that, I will move for approval of TOA POD-26-92 (POD-9-86
561 Revised) Republic Plaza on Williamsburg Road with condition number one on site
562 deficiencies.
563

564 Mrs. Jones - Second.
565

566 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mrs. Jones. All in favor
567 say aye. All opposed say no. The ayes have it; the motion passes.
568

569 The Planning Commission approved the transfer of approval request for POD-26-92
570 (POD-9-86 Revised) Republic Plaza, from Mask Investments LLC to Republic Plaza
571 LLC, subject to the standard and added conditions previously approved and the
572 following additional condition:
573

- 574 1. The site deficiencies, as identified in the inspection report, dated December 17,
575 2007 shall be corrected by April 15, 2008.
576

577 **TRANSFER OF APPROVAL** *(Deferred from the December 12, 2007 Meeting)*
578

POD-47-84
Landmark Office Center,
Phase 2 – 8651 Staples
Mill Road

Donald N. Blake: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Landmark Office Center, LLC to Donald Blake. The 0.98-acre site is located on the east line of Staples Mill Road approximately 525 feet south of E. Parham Road and 275 feet north of Janway Road on parcel 770-754-483. The zoning is O-2, Office District. County water and sewer. **(Brookland)**

579
580 Mr. Jernigan - Is there any opposition to transfer of approval POD-47-84,
581 Landmark Office Center, Phase 2? There is no opposition.
582

583 Mr. Pambid - Good morning again. The new owner has agreed to plant
584 three dogwoods with an installed height of six to eight feet along Staples Mill Road.
585 Additional foundation plantings around the buildings proposed in an alternate landscape
586 plan are above and beyond what was originally approved with POD-47-84. Staff
587 recommends approval of this transfer with the following added condition, that the site
588 deficiencies shall be corrected by June 30, 2008. I can entertain any questions you
589 might have about this transfer.
590

591 Mr. Jernigan - Are there any questions for Mr. Pambid from the
592 Commission? Okay. Mr. Vanarsdall?
593

594 Mr. Vanarsdall - All right. Thank you, Mr. Pambid and Mr. Strauss for
595 following through on this. I recommend that transfer of approval POD-47-84, Landmark
596 Office Center, Phase 2, be recommended for approval with one condition, that the site
597 deficiencies will be corrected by June 30, 2008.
598

599 Mr. Archer - Second.
600

601 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
602 favor say aye. All opposed say no. The ayes have it; the motion passes.
603

604 The Planning Commission approved the transfer of approval request for POD-47-84,
605 Landmark Office Center, Phase 2, from Landmark Office Center, LLC to Donald Blake,
606 subject to the standard and added conditions previously approved, and the additional
607 added condition:
608

609 1. The site deficiencies shall be corrected by **June 30, 2008**.
610

611 **LANDSCAPE & LIGHTING PLAN**

612

LP/POD-14-06 **Hulcher & Associates for Faith Community Baptist Church:** 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 3.10-acre site is located on the south line of Cool Lane, approximately 400 feet east of Mechanicsville Turnpike (U.S. Route 360) on parcel 798-726-9359. The zoning is B-1, Business District and B-3, Business District. **(Fairfield)**

613

614 Mr. Jernigan - Is there any opposition to landscape and lighting plan
615 LP/POD-14-06, Faith Community Baptist Church? There is no opposition. Good
616 morning, Mr. Garrison.

617

618 Mr. Garrison - Good morning. The applicant is requesting approval of a
619 lighting and landscaping plan near Cool Lane and Mechanicsville Turnpike. POD-14-06
620 was approved with a transitional buffer deviation along Cool Lane and the adjacent R-4
621 zoning to the east. The applicant has agreed to provide trees to meet the 15% canopy
622 cover and the 5% interior canopy cover. Additionally, the applicant is working with staff
623 to enhance the landscaping plan along Cool Lane. I would like to point out that two
624 young lovely ladies from the community are present in support of this landscape plan.
625 Staff can recommend approval subject to the annotations on the plans and the standard
626 conditions for landscape and lighting plans. I'm available to answer any questions you
627 may have.

628

629 Mr. Jernigan - Are there any questions for Mr. Garrison from the
630 Commission? Thank you, sir.

631

632 Mr. Archer - Mr. Chairman, I don't think I need to see anybody.

633

634 Mr. Jernigan - Okay.

635

636 Mr. Archer - I think this will be a tremendous improvement to that area.
637 So, with the staff's recommendation of approval, I will move for approval of LP/POD-14-
638 06, Faith Community Baptist Church, subject the annotations on the plan and the
639 standard conditions for landscape and lighting plans.

640

641 Mr. Vanarsdall - Second.

642

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

645

646 The Planning Commission approved the landscape and lighting plan for LP/POD-14-06,
647 Faith Community Baptist Church, subject to the standard conditions attached to these
648 minutes for landscape and lighting plans.

649 **LANDSCAPE & LIGHTING PLAN and TRANSITIONAL BUFFER DEVIATION**

650

LP/POD-46-06 **Balzer & Associates, Inc. for Jed Properties & Rasteh**
Wistar Commons – 8101 **Construction:** Request for approval of a landscape and
Staples Mill Road lighting plan and a transitional buffer deviation to reduce
the 50-foot transitional buffer to 30 feet and eliminate the
10-foot-high screen wall along the north and south
property line as approved with POD-46-06, as required by
Chapter 24, Sections 24-106 and 24-106.2 of the Henrico
County Code. The 2.12-acre site is located at 8101
Staples Mill Road, north of the intersection of Staples Mill
Road and Wistar Road on parcel 772-752-0526. The
zoning is M-1C, Light Industrial District (Conditional).
(Brookland)

651

652 Mr. Jernigan - Is there any opposition to landscape and lighting plan, and
653 the transitional buffer deviation for LP/POD-46-06, Wistar Commons?

654

655 Ms. Germano - [Off mike.] [Unintelligible.]

656

657 Mr. Jernigan - Okay. We'll listen to the report and then you'll have time to
658 speak, ma'am. Thank you. Okay, Mr. Garrison.

659

660 Mr. Garrison - Good morning. The Wistar Commons plan of development
661 was approved with a transitional buffer alternative allowing a reduced buffer width, with
662 the provision of a 10-foot masonry wall and a 30-foot buffer. The applicant is requesting
663 a transitional buffer deviation to reduce the 50-foot buffer on the north and south
664 property line to 30 feet and eliminate the 10-foot masonry wall.

665

666 The subject property borders R-3 zoning for approximately 80 feet to the north and
667 borders R-3 zoning approximately 165 feet to the south. The adjacent property to the
668 north contains Rocky Branch Creek, a perennial stream and wooded resource
669 protection area. Therefore, development in the adjacent R-3 zoning would be restricted.

670

671 Although the transitional buffer adjacent to the south can be reduced, staff recommends
672 that plant quantity meet or exceed the transitional buffer 50 requirement.

673

674 Staff and representatives are available to answer any questions, and as it's been
675 pointed out, we have some concerns regarding the landscaping and the removal of a
676 fence in the rear of the property.

677

678 Mr. Jernigan - Are there any questions for Mr. Garrison from the
679 Commission?

680

681 Mr. Vanarsdall - Are you going to leave #6 like it is?

682 Mr. Garrison - Yes sir.

683
684 Mr. Vanarsdall - To exceed the requirement?
685
686 Mr. Garrison - To meet or exceed the transitional buffer 50 requirement.
687
688 Mr. Vanarsdall - I have no more questions.
689
690 Mr. Jernigan - Mr. Vanarsdall, do you want to hear from the applicant?
691
692 Mr. Vanarsdall - I don't need to.
693
694 Mr. Jernigan - Okay. We do have opposition.
695
696 Mr. Vanarsdall - All right. I don't think the applicant's here, is he?
697
698 Mr. Garrison - I don't believe he is.
699
700 Mr. Vanarsdall - All right, I'll take the opposition. Come on down.
701
702 Mr. Jernigan - All right. Mr. O'Kelly will explain the time limits on this.
703
704 Mr. O'Kelly - Mr. Chairman, as part of your rules, you do have public
705 hearing time limits. After staff presentation, the applicant is allowed 10 minutes to
706 present the request. There may be time reserved for rebuttal. The opposition is allowed
707 10 minutes to present its concerns. Commission questions do not count into the time
708 limits. The Commission may waive the time limits for either party at its discretion.
709
710 Mr. Jernigan - Thank you, Mr. O'Kelly.
711
712 Mr. Vanarsdall - Good morning.
713
714 Mr. Jernigan - Good morning, young lady.
715
716 Ms. Germano - Good morning. I'm Laurie Germano. I represent Kimberly
717 Associates and we have the buildings 8030, 8040, and 8050 Kimway Drive, which is, I
718 guess, behind the property. The reason we're opposing is they took down an existing
719 fence they have failed to replace and it's really an eyesore now as compared to the way
720 it was before.
721
722 Mr. Vanarsdall - Do you think these buildings are an eyesore?
723
724 Ms. Germano - Well, yes, because it's the back of the buildings and it's truck
725 bays, which are very close to the property line.
726
727 Mrs. Jones - Can you show us exactly where you are?
728 Mr. Vanarsdall - So, you're in the office behind the building.

729
730 Ms. Germano - That's right.
731
732 Mr. Vanarsdall - The first building.
733
734 Ms. Germano - And Kimberly Associates also owns American Door and
735 Glass, which is further up the street.
736
737 Mr. Vanarsdall - I've been back there and I don't think I saw what you saw,
738 but we'll have it taken care of.
739
740 Ms. Germano - There was a fence there and they took out 40 to 50 trees
741 right behind our building as well. So, we lost the trees and the fence. We're just
742 concerned—
743
744 Mr. Vanarsdall - There's a berm there.
745
746 Ms. Germano - Right, there's a berm.
747
748 Mr. Vanarsdall - Right.
749
750 Mr. Branin - Ma'am? Were the trees on your property?
751
752 Ms. Germano - Probably they didn't take out trees on our property. They
753 were probably either at the property line or on their own property.
754
755 Mr. Branin - And the fence was on your property?
756
757 Ms. Germano - I believe so.
758
759 Mr. Jernigan - The fence was on your property?
760
761 Ms. Germano - I'm not positive about that. I just know there was a fence
762 that's been standing there for 20 years.
763
764 Mr. O'Kelly - Mr. Garrison, what's proposed to replace what was
765 removed? What type of buffer is being proposed?
766
767 Mr. Garrison - As you know, the code allows two trees per 100 linear feet
768 between property lines. That's on the annotation. It's annotated on the plan. When I
769 went out there last, there were some white pines they had planted, but they were
770 planted on this side and nothing had been done here. Part of my recommendation was
771 to spread out those trees along that back side. As far as the fence goes, there was a
772 fence there. I'm not sure whose property it was on. The applicant has indicated to me
773 that he was going to replace the fence.
774 Mr. O'Kelly - What type of fence?

775
776 Mr. Garrison - It would be another stockade fence. He said he was going to
777 talk to the business here and if they wanted the fence, he would replace the fence.
778 That's the last I've heard, though.
779
780 Mr. O'Kelly - Is the applicant here?
781
782 Mr. Garrison - The applicant is not here.
783
784 Mr. Vanarsdall - There was a fence up there. It wasn't a stockade fence. It
785 stopped about halfway behind the building, didn't it?
786
787 Mr. Garrison - Excuse me?
788
789 Mr. Vanarsdall - I say there was a fence along there, but it didn't run the
790 whole length of the building, the two buildings.
791
792 Mr. Garrison - The fence ran down the yellow line.
793
794 Mr. Vanarsdall - I had noticed a berm back there. I hadn't noticed the trees.
795
796 Mr. Garrison - The applicant had some grading issues, so we had them
797 address the grading issues. In doing so, he had to remove those trees and the fence.
798
799 Mr. Vanarsdall - The applicant intended to be here today.
800
801 Mr. Glover - Could I ask a question?
802
803 Mr. Vanarsdall - Yes sir.
804
805 Mr. Glover - What's the requirement by code?
806
807 Mr. Garrison - Two trees per 100 linear feet.
808
809 Mr. Glover - By code?
810
811 Mr. Garrison - By code, yes sir.
812
813 Mr. Glover - What zoning?
814
815 Mr. Garrison - It's all industrial back here.
816
817 Mr. Glover - What do you mean by industrial? Tell me what the zoning is?
818
819 Mr. Garrison - M-1.
820

821 Mr. Glover - What's the zoning of this site?
822
823 Mr. Garrison - M-1.
824
825 Mr. Vanarsdall - Same thing.
826
827 Mr. Glover - Both of them are M-1?
828
829 Mr. Garrison - Yes sir.
830
831 Mr. Glover - And the ordinance requires trees?
832
833 Mr. Garrison - Along the property line.
834
835 Mr. Vanarsdall - With the same zoning.
836
837 Mr. Garrison - It's peripheral landscaping.
838
839 Mr. Glover - Peripheral landscaping. Where is that in the code?
840
841 Mr. O'Kelly - It's not really a buffer requirement, Mr. Glover. It's just a
842 landscaping requirement.
843
844 Mr. Glover - Is that a policy or a code?
845
846 Mr. O'Kelly - It's the code, sir.
847
848 Mr. Glover - Okay. Then they have to do what the code says. What's the
849 question?
850
851 Mr. Jernigan - And that's two trees per 100 feet?
852
853 Mr. Garrison - That's two trees per 100 linear feet. The request is for the
854 applicant to replace the fence that was taken down.
855
856 Mr. Glover - Request by whom?
857
858 Mr. Branin - My question is was the fence on Kimberly and Associates'
859 property or the applicant's property?
860
861 Mr. Garrison - That's going to have to be—
862
863 Mr. Branin - If it is indeed on the applicant's property, is there any code or
864 policy that says they have to put a fence up?
865 Mr. Garrison - No. If the fence is determined to be on the applicant's
866 property, then they have every right to take it down.

867
868 Mr. Glover - The M-1 that the applicant is on, what are the restrictions by
869 proffered conditions on that?
870
871 Mr. Garrison - Those proffers don't address anything in the rear
872
873 Mr. Glover - No, no, no. What are the restrictions as far as what they can
874 build there?
875
876 Mr. Garrison - What they can build?
877
878 Mr. Glover - Yes. What uses can they not have there?
879
880 Mr. Garrison - I believe they cannot have tire repair think per the proffers—
881
882 Mr. Glover - Can they have any M-1 uses there?
883
884 Mr. Garrison - The applicant? Are you referring to this? Yes, they can
885 have M-1 uses.
886
887 Mr. Glover - What about the person who's opposing it? Do they have any
888 restrictions on their site?
889
890 Mr. Garrison - Not that I'm aware of.
891
892 Mr. Glover - None?
893
894 Mr. Garrison - Not that I'm aware of.
895
896 Mr. Glover - So, you have restrictions on this case but you don't have
897 restrictions on the one behind it.
898
899 Mr. Garrison - I don't believe so.
900
901 Mr. Jernigan - Mr. Vanarsdall, you've spoken to the applicant. Did he
902 mention the fence?
903
904 Mr. Vanarsdall - No. We had a meeting with him and that never came up.
905 We never talked about the hedge or the buffer or anything back there.
906
907 Mr. Jernigan - Ma'am, have you contacted anybody prior to today?
908
909 Ms. Germano - [Off mike.] No. [Unintelligible.]
910
911 Mr. Vanarsdall - So, you're saying that those trees have to be planted back
912 there.

913
914 Mr. Garrison - Yes.
915
916 Mr. Vanarsdall - I know the fence doesn't have to be put up.
917
918 Mr. Glover - That's two trees every 100 linear feet. Could I ask you a
919 question? Are there any restrictions on the person that's opposing? Are there any
920 restrictions on that site that they couldn't build a wall if they wanted to?
921
922 Mr. Garrison - They could put up a fence if they wanted to.
923
924 Mr. Glover - Okay. So, in other words, they could put a fence up to buffer
925 themselves, if they want to. But instead, they're asking the applicant to put a fence up.
926
927 Mr. Garrison - Yes. Yes sir.
928
929 Mr. Branin - Mr. Chairman? Once the fence is determined according to
930 whose property it was on, if it is on their property and they remove it that is their right.
931 You do understand that? Would you oppose them removing it if it was on their
932 property?
933
934 Ms. Germano - Would request the fence on their property, no.
935 [Unintelligible] on our property, then we [unintelligible].
936
937 Mr. Branin - Okay.
938
939 Mr. Jernigan - But nobody knows yet whose property it was on. This
940 property had to be staked at some point during construction.
941
942 Mr. Garrison - On the civil drawings, it's shown running right on the
943 property line.
944
945 Mr. Glover - We met with the applicant yesterday and at that point, there
946 had been no opposition from anyone. The Deputy County Manager, Randy Silber and I,
947 rode out there last week to look at it. They're building a berm, meeting all the
948 requirements, and the code allows the person that's opposing it to do whatever they
949 want to in order to buffer themselves. The uses are limited on the applicant's site
950 considerably, as a matter of fact. Everything has to be done on the inside; however, the
951 on the site adjacent to it, they can have outside uses.
952
953 Mr. Vanarsdall - Do you have anything to add to that?
954
955 Ms. Germano - [Off mike.] [Unintelligible] at the site, but I was just wondering
956 if you had [unintelligible].
957
958 Mr. Branin - Ma'am? When was the fence taken down?

959
960 Ms. Germano - [Off mike.] Very early [unintelligible].
961
962 Mr. Branin - This isn't my district, so I'm not aware how long this has
963 been under—Several months? Have you contacted the owner?
964
965 Ms. Germano - [Off mike.] I don't believe [unintelligible].
966
967 Mr. Jernigan - Ma'am, you need to speak into the microphone so we can
968 hear you for the record.
969
970 Mr. Branin - When you guys came down several months ago, you didn't
971 say anything to the owner or try to determine?
972
973 Ms. Germano - No. We just assumed that if we were notified by the County,
974 that we take it up at that point in time.
975
976 Mr. Branin - Okay.
977
978 Mr. Vanarsdall - All right, thank you. We appreciate you calling this to our
979 attention. Do you have anything else, Mr. Garrison?
980
981 Mr. Garrison - No sir.
982
983 Mr. Vanarsdall - All right. Anybody want to say anything? We met with the
984 applicant yesterday. He was most cooperative in anything we wanted to do, so I think if
985 he has to do something with the fence or the trees, he will do that. We need a
986 transitional buffer deviation. It's not for back there. This is on each side of the building. I
987 move that we approve the transitional buffer deviation for LP/POD-46-06, Wistar
988 Commons.
989
990 Mr. Archer - Second.
991
992 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
993 favor say aye. All opposed say no. The ayes have it; the motion passes.
994
995 The Planning Commission approved the transitional buffer deviation for LP/POD-46-06,
996 Wistar Commons.
997
998 Mr. Vanarsdall - Now I recommend approval of LP/POD-46-06, Wistar
999 Commons with the annotations on the plans, standard conditions for landscape and
1000 lighting, and condition #6.
1001 Mr. Archer - Second.
1002
1003 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
1004 favor say aye. All opposed say no. The ayes have it; the motion passes.

1027 The revised master plan for Staples Mill Centre Mixed Use Development has been
1028 submitted by the developer Gumenick Properties for Planning Commission review.
1029

1030 The proposed revisions to the master plan are consistent with the one originally
1031 approved. The earlier original master plan approved by the Board of Supervisors with
1032 zoning case C-5C-07, with the provisional use permit. Those control the zoning for this
1033 case.
1034

1035 The proposed revisions to the master plan would not increase the density of
1036 development, but would rather update the layout of the master plan, which has been
1037 modified, as development plans have been refined. It's basically as we're developing
1038 plans, they're kind of refining it. At ultimate development, the total number of residential
1039 units and the total floor area devoted to commercial/office use would remain the same.
1040 They're just transferring uses within the site.
1041

1042 The currently proposed Phase 2 improvements would authorize two mixed-use
1043 buildings, three commercial buildings, a community clubhouse with a pool, three
1044 stacked townhouse/condominium buildings and 45 residential townhouses, along with
1045 ancillary street and drainage improvements. This shows the three main buildings and
1046 the future buildings as well.
1047

1048 This phase of street drainage improvements and utility facilities would provide the
1049 backbone for future development. Various architectural plans have also been submitted
1050 and attached to the agenda is a whole significant set of plans; there are about 40 pages
1051 altogether. I'm more than willing to go through them, but basically for the purposes of
1052 the audience, let's just kind of go through them quickly. There are significant types of
1053 buildings, townhouse styles, residential styles. They're all consistent with the design
1054 manual.
1055

1056 The updated master plan would primarily impact future phases of development.
1057

1058 In this phase, twelve duplex style town houses—which are in this area here—would be
1059 substituted for six previously proposed single-family dwellings along Bethlehem Road.
1060

1061 The additional dwelling units at this location will result in fewer dwelling units within
1062 future phases. They're just offsetting is, so to speak. Taking the dwellings in one place
1063 and putting them in another. Therefore, there is no change in the number of dwellings is
1064 proposed.
1065

1066 All other proposed buildings in this phase are generally consistent with the previously
1067 approved master plan.
1068

1069 The revised master plan contemplates a revision to the master plan along Jordan's
1070 Branch for these buildings over here. This revision would eliminate previously proposed
1071 condominium buildings by enlarging two of the previously proposed mixed use buildings
1072 and separating some retail uses into a separate building along Staples Mill Road. In the

1073 original plan here, there were three condominium buildings and two large buildings. In
1074 the proposed plan, there are two larger buildings here and a commercial building here.
1075 It basically rearranges those and combines those five buildings into three.

1076
1077 The staff believes the proposed master plan is generally consistent with the schematic
1078 master plan approved with the provisional use permit and has no objection to the
1079 proposed updated master plan. We believe that the commercial building, by separating
1080 it out, provides a transition and kind of a buffer from commercial properties along
1081 Staples Mill Road.

1082
1083 The revised the master plan includes a summary table comparing the Provisional Use
1084 Permit plan to the proposed Plan of Development for the currently proposed phase of
1085 development.

1086
1087 The developer has agreed to a condition that would require them to provide an updated
1088 summary table that would segregate this information for future phases of the master
1089 plan. The information is provided in the plan, but doesn't provide a summary table and
1090 we asked for that, just for ease of management.

1091
1092 The staff has also received revised architectural plans the duplex townhouses buildings
1093 showing that all units satisfy minimum floor area requirements in the district.

1094
1095 The developer's architect has been working with staff on revisions to the stacked
1096 townhouses building plans to ensure that all units satisfy minimum floor area
1097 requirements. The developer's architect is also working with staff on revisions on the
1098 stacked townhouses to make sure that they satisfy the design requirements as well.

1099
1100 The developer has agreed to a revised condition that's provided in the package that will
1101 require final architectural plans for all buildings, including the stacked townhouse, to be
1102 submitted for review with the final construction plans to ensure that the minimum square
1103 footage requirements of the code are satisfied.

1104
1105 The staff has reviewed both the land bay master plan and the development proposed
1106 with this phase of development, and has found that they satisfy the applicable codes
1107 and proffers, and are consistent with the Staples Mill Centre Pattern Book, which is their
1108 design guidelines.

1109
1110 Staff recommends approval of this request, subject to the standard conditions for
1111 developments of this type and the annotations on the plans, conditions 29-56 on the
1112 agenda, and the following additional conditions:

1113
1114 Condition 33 will be revised. The phrase "adjacent to Phase 2" would be added. The
1115 condition would read: "The limits and elevations of the special flood hazard area
1116 adjacent to Phase 2." So, we just qualify whatever it will be.

1117

1118 Condition 50 would be revised to say: "Prior to the final approval of building permit
1119 applications for any mixed use buildings, the developer shall consult the Division of
1120 Police on CPTED issues

1121
1122 Condition 53 would be deleted. That condition is already covered somewhere else and
1123 this is an unnecessary duplication.

1124
1125 Condition 54 would be revised to state: "A Certificate of Occupancy shall be issued for
1126 the community center clubhouse or a performance bond posted with the County prior to
1127 the issuance of a Certificates of Occupancy for the 100th townhouse/condominium unit."

1128
1129 Condition 55 would be revised to state that, "The developer shall submit final
1130 architectural plans for any buildings included in the final construction plans for review,
1131 showing that all units satisfy minimum floor area requirements contained in the proffers
1132 and are consistent with the Staples Mill Centre Pattern Book design guidelines." That's
1133 one of the things I spoke about earlier.

1134
1135 Condition 56 would be added to state: "The developer shall submit a revised Land Bay
1136 Master Plan with the final construction plans for staff review and approval in accordance
1137 with the proffers of zoning case C-5C-07. The plan shall have a summary table
1138 comparing the Provisional Use Permit master plan to the proposed Plan of
1139 Development, Land Bay Master Plan, segregating development proposed with the
1140 current phase and future phases of development," as I spoke of earlier.

1141
1142 That concludes my presentation. I am available to answer any questions the Planning
1143 Commission may have, and representatives of the developer are here as well. As I said,
1144 staff is very pleased to present this case. It is a unique case. We're proud of it. We're
1145 proud of what's happening there. We feel it's a unique opportunity and it's a significant
1146 improvement to the area, taking apartment complexes which were built many years ago
1147 and replacing them with new development.

1148
1149 Mr. Jernigan - Okay. Are there any questions for Mr. Kennedy from the
1150 Commission? Mr. Vanarsdall, do you want to hear from the applicant?

1151
1152 Mr. Vanarsdall - I don't need to hear from the applicant, unless some of you
1153 have some specific questions you'd like to ask him. We've had meetings after
1154 meetings, and Mr. Kennedy has been super in bringing everything up to date, so I don't
1155 need to. I want to start out by thanking you, Mr. Kennedy, for all the work you did on it.
1156 We had some last minute changes and I know that Leslie, and some of the other staff,
1157 and Dave O'Kelly all were in on it. I see that some of the group there from Gumenick is
1158 sitting back there. If this sounds like the Academy Awards, it should be. This should
1159 have an award. This is the first UMU, as Mike said, in the Brookland District and it's
1160 going to be unbelievable in the quality and so forth. I want to echo everything Mr.
1161 Kennedy said about it. Like the song says, this is the start of something greater.

1162

1163 With that, I recommend approval of POD-13-08, Staples Mill Centre, Phase 2, with
1164 standard conditions for developments of this type and annotations on the plan, with the
1165 following conditions. I'm going to recommend what was presented by Mr. Kennedy and
1166 staff this morning.

1167
1168 Mr. Archer - Second.

1169
1170 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
1171 favor say aye. All opposed say no. The ayes have it; the motion passes.

1172
1173 The Planning Commission approved POD-13-08, Staples Mill Centre, Phase 2, subject
1174 to the annotations on the plans, the standard conditions attached to these minutes for
1175 developments of this type, and the following additional conditions:

- 1176
1177 29. The unit house numbers shall be visible from the parking areas and drives.
1178 30. The names of streets, drives, courts and parking areas shall be approved by the
1179 Richmond Regional Planning District Commission and such names shall be
1180 included on the construction plans prior to their approval. The standard street
1181 name signs shall be installed prior to any occupancy permit approval.
1182 31. The subdivision plat for Staples Mill Centre shall be recorded before any
1183 townhouse building permits are issued.
1184 32. The right-of-way for widening of Staples Mill Road (Route 33) as shown on
1185 approved plans shall be dedicated to the County prior to any occupancy permits
1186 being issued. The right-of-way dedication plat and any other required information
1187 shall be submitted to the County Real Property Agent at least sixty (60) days
1188 prior to requesting occupancy permits.
1189 33. The limits and elevations of the Special Flood Hazard Area adjacent to Phase II
1190 shall be conspicuously noted on the plan and labels "Limits of Special Flood
1191 Hazard Area." In addition, the delineated Special Flood Hazard Area must be
1192 labeled "Variable Width Drainage and Utility Easement." The easement shall be
1193 granted to the County prior to the issuance of any occupancy permits.
1194 34. The entrances and drainage facilities on Staples Mill Road (State Route 33) shall
1195 be approved by the Virginia Department of Transportation and the County.
1196 35. A notice of completion form, certifying that the requirements of the Virginia
1197 Department of Transportation entrances permit have been completed, shall be
1198 submitted to the Department of Planning prior to any occupancy permits being
1199 issued.
1200 36. Prior to issuance of a certificate of occupancy for any building in this
1201 development, the engineer of record shall certify that the site has been graded in
1202 accordance with the approved grading plans.
1203 37. Outside storage shall not be permitted.
1204 38. In order to maintain the effectiveness of the County's public safety radio
1205 communications system within Buildings MU2 and MU3, the owner will install
1206 radio equipment that will allow for adequate radio coverage within the buildings,
1207 unless waived by the Director of Planning. Compliance with the County's
1208 emergency communication system shall be certified to the County by a

- 1209 communications consultant within ninety (90) days of obtaining a certificate of
1210 occupancy. The County will be permitted to perform communications testing in
1211 the building at anytime.
- 1212 39. Evidence that an engineer has certified the height of Buildings MU2 and MU3
1213 shall be provided to the Director of Planning prior to the issuance of a Certificate
1214 of Occupancy.
- 1215 40. The proffers approved as a part of zoning case C-5C-07 shall be incorporated in
1216 this approval.
- 1217 41. The conditions of Provisional Use Permit P-1-07 shall be included in this
1218 approval.
- 1219 42. A construction staging plan which includes details for traffic control, fire
1220 protection, stockpile locations, construction fencing and hours of construction
1221 shall be submitted for County review and prior to the approval of any final
1222 construction plans.
- 1223 43. The pavement shall be of an SM-2A type and shall be constructed in accordance
1224 with County standard and specifications. The developer shall post a defect bond
1225 for all pavement with the Department of Planning - the exact type, amount and
1226 implementation shall be determined by the Director of Planning, to protect the
1227 interest of the members of the Homeowners Association. The defect bond shall
1228 remain in effect for a period of three years from the date of the issuance of the
1229 final occupancy permit. Prior to the issuance of the last Certificate of Occupancy,
1230 a professional engineer must certify that the roads have been designed and
1231 constructed in accordance with County standards.
- 1232 44. Approval of the construction plans by the Department of Public Works does not
1233 establish the curb and gutter elevations along the Henrico County maintained
1234 right-of-way. The elevations will be set by Henrico County.
- 1235 45. Approval of the construction plans by the Department of Public Works does not
1236 establish the curb and gutter elevations along the Virginia Department of
1237 Transportation maintained right-of-way. The elevations will be set by the
1238 contractor and approved by the Virginia Department of Transportation.
- 1239 46. The conceptual master plan, as submitted with this application, is for planning
1240 and information purposes only. All subsequent detailed plans of development
1241 and construction needed to implement this conceptual plan may be
1242 administratively reviewed and approved and shall be subject to all regulations in
1243 effect at the time such subsequent plans are submitted for review/ approval.
- 1244 47. The location of all existing and proposed utility and mechanical equipment
1245 (including HVAC units, electric meters, junction and accessory boxes,
1246 transformers, and generators) shall be identified on the landscape plans. All
1247 equipment shall be screened by such measures as determined appropriate by
1248 the Director of Planning or the Planning Commission at the time of plan approval.
- 1249 48. The applicant shall incorporate into the construction plans for signature any
1250 comments generated by the County's Traffic Engineer from his review of the
1251 Traffic Impact Study for this development.
- 1252 49. A traffic control plan for Staples Mill Road shall be approved by VDOT and the
1253 County Traffic Engineer, prior to the final approval of construction plans.

- 1254 50. Prior to the final approval of building permit applications for any mixed-use
 1255 building, the developer shall consult the Division of Police on CPTED issues.
 1256 51. The developer shall provide a declaration of covenants for maintenance of
 1257 private streets and common areas for staff review and approval, prior to the
 1258 issuance of any Certificate of Occupancy.
 1259 52. The comprehensive signage plan shall be submitted for review and approval by
 1260 the Director of Planning prior to issuance of any sign permits.
 1261 53. A Certificate of Occupancy shall be issued for the community center (clubhouse)
 1262 or a performance bond posted with the County, prior to the issuance of a
 1263 Certificate of Occupancy for the 100th townhouse/condominium unit.
 1264 54. The developer shall submit final architectural plans for any buildings included in
 1265 the final construction plans for review, showing that all units satisfy minimum floor
 1266 area requirements contained in the proffers, and are consistent with the Staples
 1267 Mill Centre Pattern Book (design guidelines).
 1268 55. The applicant shall obtain vacation of any lots in Westbourne Subdivision and
 1269 vacation of all streets and easements with the development that are proposed to
 1270 be abandoned, prior to approval of the final construction plans containing areas
 1271 where such features are located.
 1272 56. The developer shall submit a revised Land Bay Master Plan with the final
 1273 construction plan for staff review and approval in accordance with the proffers of
 1274 zoning Case C-5C-07. The plan shall have a summary table comparing the
 1275 Provisional Use Permit (PUP) master plan to the proposed Plan of Development
 1276 (POD) (land bay) master plan, segregating development proposed with the
 1277 current phase and future phases of development.
 1278

1279 **PLAN OF DEVELOPMENT & LIGHTING PLAN**
 1280

1281 1282 1283 1284 1285 1286 1287 1288	POD-11-08 Red Lobster @ The Shops @ White Oak Village Shopping Center	HGBD, Inc. for Laburnum Associates and Darden Restaurants: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 7,060 square foot restaurant on an outparcel in The Shops @ White Oak Village Shopping Center. The 1.802-acre site is located at the northeast corner of the intersection of Laburnum Avenue and Gay Avenue on part of parcel 815-718-5710. The zoning is B-3C, Business District (Conditional). County water and sewer. (Varina)
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1281
 1282 Mr. Jernigan - Is there any opposition to POD-11-08, Red Lobster @ The
 1283 Shops @ White Oak Village Shopping Center? No opposition. Mr. Strauss, good
 1284 morning.

1285
 1286 Mr. Strauss - Good morning. Thank you, Mr. Chairman, members of the
 1287 Commission.
 1288

1289 This Commission is probably aware of the Shops @ White Oak Village Shopping
1290 Center, as we have seen the overall plan and a number of outparcels over the last year,
1291 including a Cracker Barrel, Friday's, Wachovia Bank, and a Hyatt, to name a few. As
1292 you may have been aware, a Red Lobster is also envisioned for the shopping center.
1293 Staff has reviewed the plan of development and the architectural plans, which,
1294 incidentally, propose a new prototype design that has been used on several occasions
1295 on the East Coast, including Bristol, Tennessee. The design envisions the combination
1296 of gray stone wainscot and a quarry slate roof with complimentary burgundy and shale
1297 gray hardiplank with oxford white trim.

1298
1299 Forest City has seen the plans and approved them. Staff is recommending approval and
1300 I'll be happy to answer any questions you may have. We also have Mr. John Keen, who
1301 has flown up here from Orlando, Florida. He represents Darden Restaurants, which
1302 now owns the Red Lobster and Longhorn Steakhouse, which is also coming to this
1303 shopping center. With that, I'll take any questions you may have.

1304
1305 Mr. Jernigan - Any questions for Mr. Strauss from the Commission? Mr.
1306 Strauss, I have one. Condition 32, "Employees shall be required to use parking spaces
1307 provided at the rear of the building." We can't control that. Normally, that would be up to
1308 the manager of the restaurant. Why did we put that in there?

1309
1310 Mr. Strauss - Mr. Chairman, it's a standard shopping center condition, but
1311 I realize it may be difficult to enforce. It just encourages people to use the parking.

1312
1313 Mr. Jernigan - As Mr. Vanarsdall taught me when I first came on the
1314 Commission, don't pass something that you can't control.

1315 Mr. Strauss - We can strike that.

1316
1317 Mr. Vanarsdall - That's right. If you can't police it, don't pass it.

1318
1319 Mr. Jernigan - I notice on the next case, too, it has the same thing.

1320
1321 Mr. Strauss - I'll let Christina Goggin speak to that one.

1322
1323 Mr. Jernigan - Yes. I'll jump on her for that one, but I think we need to strike
1324 that. Okay. Thank you, Mr. Strauss.

1325
1326 Mrs. Jones - Can you simply use the word, "encouraged"?

1327
1328 Mr. Jernigan - Well, what I'm saying is that we can't control that. We can't
1329 have police, staff, or anybody back there to check that, so I don't see any reason to
1330 have it there.

1331
1332 Mr. Vanarsdall - Mr. Chairman, we had a case one time—I know Mr. Glover
1333 will remember it. There were so many proffers on it that we would have had to have had
1334 an inspector sit in a director's chair, like they do making movies, and stay on the

1335 property all day long. It wouldn't stack up above a fence, wouldn't make noise between
1336 2 and 3, and wouldn't move this and that, and wouldn't use a forklift. Well, it didn't go
1337 through.

1338
1339 Mr. Jernigan - Is the applicant here?

1340
1341 Mr. Strauss - Yes sir.

1342
1343 Mr. Jernigan - Would you like to come up and speak a little bit?

1344
1345 Mr. Branin - The man came all the way from Orlando. We'll give you 1
1346 minute and 30 seconds. We have to make him say something.

1347
1348 Mr. Keen - My name is John Keen. I'm a site development manager
1349 with Darden Restaurants. As Jim pointed out, I did come here from Orlando, Florida.
1350 I'm actually a native of Virginia and always have to come back to my state. One thing I
1351 did want to correct Jim on was that the first new Red Lobster of this prototype, which I'm
1352 very proud of, was actually in Bristol, Virginia, not Bristol, Tennessee. We've done a
1353 number of them since then. This will be the second of this new look in the state of
1354 Virginia. I'm happy to answer any questions you have.

1355
1356 Mr. Jernigan - For the information of the Commission, that is hardiplank on
1357 there? That's not vinyl. And they're using a slate roof.

1358
1359 Mr. Glover - Mr. Chairman, I have a questions.

1360
1361 Mr. Jernigan - Yes sir.

1362
1363 Mr. Glover - When you left, did you leave on good terms? It's none of my
1364 business. The state of Virginia, I mean.

1365
1366 Mr. Keen - Yes. I wasn't extradited. I went to Virginia Tech. The
1367 company I worked for, they required me to be in Orlando, unfortunately,

1368
1369 Mr. Glover - Did you play football?

1370
1371 Mr. Keen - No, I didn't play football.

1372
1373 Mr. Glover - They need somebody after the exodus.

1374
1375 Mr. Keen - They might consider me a little old for that at this point.

1376
1377 Mr. Glover- They don't care. Once you put that uniform on, they can't
1378 tell.

1379

1380 Mr. Jernigan - Mr. Keen, just for the information of the Commission, tell us
1381 the other restaurants or brands that you own?
1382

1383 Mr. Keen - We also own the Olive Garden. We own Bahama Breeze,
1384 which is not really one you'd find in this particular area. There are two in Atlanta,
1385 actually. That might be closest. Well, actually, there's one up in the DC area, just
1386 outside of Washington, DC. And we own Longhorn Steakhouse as well. We own
1387 another one you may be familiar with called Capitol Grill, which is in downtown DC.
1388 That's probably the closest one. And we own another chain called Seasons 52. It may
1389 or may not be coming up here, but it's sort of an upscale chain. It's quite interesting.
1390 The idea is we serve healthy food and the menu changes every week. That's why it's
1391 called 52. We've just really kind of started that one. It's really doing quite well, but we
1392 only have five or six. We're starting to expand it, so you may be seeing it at some point
1393 back here. It's a really nice concept.
1394

1395 Mr. Vanarsdall - I have a question. This is your menu, isn't it, Red Lobster?
1396

1397 Mr. Keen - Yes sir.
1398

1399 Mr. Vanarsdall - I was wondering, since you presented it to us, could we eat
1400 at the one on Broad Street—
1401

1402 Mr. Keen - That's actually a menu, Jim, I presented to you.
1403

1404 Mr. Vanarsdall - Could we eat at the one on Broad Street until you get this
1405 one open?
1406

1407 Mr. Keen - That would be fine with me.
1408

1409 Mr. Jernigan - All right. Thank you, Mr. Keen.
1410

1411 Mr. Keen - Thank you.
1412

1413 Mr. Jernigan - With that, I will move for approval of POD-11-08, Red
1414 Lobster @ The Shops @ White Oak Village Shopping Center, subject to the annotations
1415 on the plans, the standard conditions for developments of this type, and the following
1416 additional conditions #29 to 31. We're going to strike 32, and 33 to 36.
1417

1418 Mr. Vanarsdall - Second.
1419

1420 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
1421 favor say aye. All opposed say no. The ayes have it, the motion passes.
1422

1423 The Planning Commission approved POD-11-08, Red Lobster @ The Shops @ White
1424 Oak Village Shopping Center, subject to the annotations on the plans, the standard

1425 conditions attached to these minutes for developments of this type, and the following
1426 additional conditions:

- 1427
- 1428 29. Only retail business establishments permitted in a B-3 zone may be located in this
1429 center.
- 1430 30. The ground area covered by all the buildings shall not exceed in the aggregate 25
1431 percent of the total site area.
- 1432 31. No merchandise shall be displayed or stored outside of the building(s) or on
1433 sidewalk(s).
- 1434 32. Outside storage shall not be permitted.
- 1435 33. The proffers approved as a part of zoning case C-29C-06 shall be incorporated in
1436 this approval.
- 1437 34. The developer shall install an adequate restaurant ventilating and exhaust
1438 system to minimize smoke, odors, and grease vapors. The plans and
1439 specifications shall be included with the building permit application for review and
1440 approval. If, in the opinion of the County, the type system provided is not
1441 effective, the Commission retains the rights to review and direct the type of
1442 system to be used.
- 1443 35. The location of all existing and proposed utility and mechanical equipment
1444 (including HVAC units, electric meters, junctions and accessory boxes,
1445 transformers, and generators) shall be identified on the landscape plan. All
1446 building mounted equipment shall be painted to match the building, and all
1447 equipment shall be screened by such measures as determine appropriate by the
1448 Director of Planning or the Planning Commission at the time of plan approval.

1449 **PLAN OF DEVELOPMENT**

1450

POD-12-08 **Horton & Dodd, P.C. for Forest City Commercial Group and Chick-Fil-A, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 4,227 square foot restaurant with drive-thru facilities and outdoor seating on an outparcel in The Shops @ White Oak Village Shopping Center. The 1.19-acre site is located on the east line of S. Laburnum Avenue approximately 1,500 feet north of Audubon Drive on part of parcel 815-718-5710. The zoning is B-3C, Business District (Conditional) and ASO (Airport Safety Overlay) District. County water and sewer. **(Varina)**

1451

1452 Mr. Jernigan - Is there any opposition to POD-12-08, Chick-Fil-A – The
1453 Shops @ White Oak Village Shopping Center? No opposition.

1454

1455 Ms. Goggin - Good morning again. I was going to say I haven't heard any
1456 opposition to anything at White Oak Village. This is such a popular shopping center.

1457

1458 As we just discussed, this is a Chick-Fil-A at one of the intersections. The applicant has
1459 worked with staff. We've asked for some sidewalk crossings into the site from the
1460 sidewalks provided by the developer. They've shown some pedestrian cross walks to
1461 get into their site across the parking lot that they've agreed to make into stamped
1462 asphalt. They're working with Planning as well as the traffic engineer to work with these
1463 striped areas in concern with their dumpsters and traffic.

1464

1465 Here is a color rendering of the Chick-Fil-A as proposed. Staff did express concern to
1466 Chick-Fil-A and Forest City about this platinum colored standing seam metal roof.
1467 Chick-Fil-A did seem to agree with us on that and they have agreed to work with us on
1468 changing the color to make it blend with the building and the shopping center a little bit
1469 more.

1470

1471 I was going to say, not to be outdone by Jim, my representative flew in from Atlanta this
1472 morning and his name is Scott Thigpen. I also have Mr. Dodd, the engineer, to speak
1473 here on behalf of Chick-Fil-A, should you have any questions of them. Staff feels that
1474 this roof color can be worked out prior to building permit. They've agreed to work with us
1475 and so has Forest City.

1476

1477 Mr. Jernigan - You say the applicant is here.

1478

1479 Ms. Goggin - The applicant is here. Therefore, staff can recommend
1480 approval with the standard conditions for developments of this type. I'll say conditions
1481 29 through 37, but from what I understand, 32 is not—

1482

1483 Mr. Jernigan - Thirty-two is struggling.
1484
1485 Ms. Goggin - Thirty-two is struggling. Hopefully, the restaurant would
1486 encourage their employees to park near the back anyway so they can save all the good
1487 sites for their customers. Employees back here, customers up here by the entrance.
1488
1489 Mr. Jernigan - As you heard me before, I feel that's a management
1490 decision—
1491
1492 Ms. Goggin - It is.
1493
1494 Mr. Jernigan - —not a Planning Commission decision. Okay. Thank you,
1495 Ms. Goggin. Are there any questions for Ms. Goggin from the Commission? Well, I
1496 think we have to give equal time.
1497
1498 Ms. Goggin - Okay.
1499
1500 Mr. Jernigan - So, would the applicant come down, please?
1501
1502 Mr. Branin - He doesn't get as much; he didn't come as far.
1503
1504 Mr. Jernigan - We don't want to slight you. We want to make sure that you
1505 have a little time, too.
1506
1507 Mr. Thigpen - Understood. I appreciate that. My name is Scott Thigpen
1508 with Chick-Fil-A located in Atlanta, Georgia. I must say, I'm the development manager
1509 for the Northeast Region. Kevin Kilgore is the development manager for this market. He
1510 actually broke his leg and his ankle this week, so he's kind of down and out. Slid into
1511 home and he was called out also.
1512
1513 Mr. Jernigan - He was out, too?
1514
1515 Mr. Thigpen - Yes, he was called out as well, so I told him I'd help out for
1516 him. We're just so glad to be a part of this community. We currently operate about 1300
1517 stores throughout the nation. Our company was founded in 1934 by Truett Cathy. He's
1518 87 years old and he still comes in the office every day of the week. We have a lot of
1519 fundamental leadership that we provide to our team members and our managers. We
1520 really try to embrace community with so many outreaches to the community. We have
1521 weekly team nights with our communities. We really try to embrace the areas that we
1522 build in. With that being said, if you have any questions about our operation or anything
1523 we can do for you, we certainly appreciate it. I have some free chicken sandwiches.
1524
1525 Mr. Jernigan - Did you bring a menu, too?
1526
1527 Mr. Thigpen - I did not bring a menu.
1528 Mr. Jernigan - No pickles? All right.

1529
1530 Mr. Vanarsdall - Is it all right with you if we eat at the one on Broad Street and
1531 give them your name?
1532
1533 Mr. Thigpen - Yes sir, by all means. I'll give you a coupon that has my
1534 name on it. You're more than welcome to do so.
1535
1536 Mr. Jernigan - Ms. Goggin expressed the fact that we do have a little bit of
1537 discussion the roof color.
1538
1539 Mr. Thigpen - Yes sir.
1540
1541 Mr. Jernigan - She said you all were willing to—
1542
1543 Mr. Thigpen - Yes sir. We're more than willing to work on that. I believe
1544 this color was designated by Forest City and it appears that they have some question
1545 about the roof color. We'll work with everyone to try to get a look that's uniform for the
1546 development and for our building as well. We're completely open.
1547
1548 Mr. Jernigan - Everything else is okay on this and we'll just work through
1549 the roof administratively. All right. We thank you, sir.
1550
1551 Mr. Glover - Cathy is still living and active?
1552
1553 Mr. Thigpen - Yes sir. Like I said, he's 87 years old and he's typically at
1554 the office three to four days a week. He flies around regularly to do speeches and
1555 speaking engagements.
1556
1557 Mr. Vanarsdall - He wrote a good book, too, didn't he.
1558
1559 Mr. Thigpen - He's written four books, actually. He just came out with
1560 number four a couple months ago. It's called, *How Did You Do It, Truett?*
1561
1562 Mr. Glover - His philosophy is pretty good.
1563
1564 Mr. Thigpen - It certainly is.
1565
1566 Mr. Glover - Great philosophy.
1567
1568 Mr. Thigpen - Yes sir.
1569
1570 Mr. Glover - He's got it in the bag.
1571
1572 Mr. Thigpen - That's right.
1573
1574 Mr. Jernigan - The pickle made the difference.

1575
1576 Mr. Vanarsdall - It proves that chicken is good for you, doesn't it?
1577
1578 Mr. Thigpen - That's right. The milkshakes are good also, but they are 850
1579 calories. I'll go ahead and tell you that right up front.
1580
1581 Mr. Jernigan - We appreciate you coming in. Okay. With that, I will move
1582 for approval of POD-12-08, Chick-Fil-A – The Shops @ White Oak Village Shopping
1583 Center, subject to the annotations on the plans, the standard conditions for
1584 developments of this type, and the following additional conditions #29 through 31, strike
1585 32, and 33 through 37.
1586
1587 Mr. Archer - Second.
1588
1589 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Archer. All in favor
1590 say aye. All opposed say no. The ayes have it; the motion passes.
1591
1592 The Planning Commission approved POD-12-08, Chick-Fil-A – The Shops @ White
1593 Oak Village Shopping Center, subject to the annotations on the plans, the standard
1594 conditions attached to these minutes for developments of this type, and the following
1595 additional conditions:
1596
1597 29. Only retail business establishments permitted in a B-3 zone may be located in this
1598 center.
1599 30. The ground area covered by all the buildings shall not exceed in the aggregate 25
1600 percent of the total site area.
1601 31. No merchandise shall be displayed or stored outside of the building(s) or on
1602 sidewalk(s).
1603 32. Outside storage shall not be permitted.
1604 33. The proffers approved as a part of zoning case C-29C-06 shall be incorporated in
1605 this approval.
1606 34. The developer shall install an adequate restaurant ventilating and exhaust
1607 system to minimize smoke, odors, and grease vapors. The plans and
1608 specifications shall be included with the building permit application for review and
1609 approval. If, in the opinion of the County, the type system provided is not
1610 effective, the Commission retains the rights to review and direct the type of
1611 system to be used.
1612 35. In the event of any traffic backup which blocks the public right-of-way as a result
1613 of congestion caused by the drive-up facilities, the owner/occupant shall close
1614 the drive-up facilities until a solution can be designed to prevent traffic backup.
1615 36. The location of all existing and proposed utility and mechanical equipment
1616 (including HVAC units, electric meters, junctions and accessory boxes,
1617 transformers, and generators) shall be identified on the landscape plan. All
1618 building mounted equipment shall be painted to match the building, and all
1619 equipment shall be screened by such measures as determine appropriate by the
1620 Director of Planning or the Planning Commission at the time of plan approval.

1621
1622
1623

PLAN OF DEVELOPMENT

POD-15-08
Patterson Avenue
Ambulatory
Care Center – Patterson
and Gaskins Roads

Timmons Group for Bon Secours: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to renovate and convert an existing one-story, 30,000 square foot retail building to medical offices. The 3.9-acre site is located on the north line of Patterson Avenue (State Route 6) approximately 412 feet east of its intersection with Gaskins Road on part of parcel 745-742-8604. The zoning is B-1, Business District. County water and sewer. **(Tuckahoe)**

1624
1625
1626
1627

Mr. Jernigan - Is there any opposition to POD-15-08, Patterson Avenue Ambulatory Care Center? There is no opposition. Mr. Garrison?

1628
1629
1630
1631
1632
1633

Mr. Garrison - Good morning again. The applicant is requesting approval to renovate and convert an existing one-story, 30,000-square-foot retail building to medical offices. Just handed to you is an alternate elevation showing a cupola. Staff agrees this would be an architectural amenity; however, due to budget concerns, the applicant is requesting approval of this POD with the option of eliminating the cupola should there be budgets constraints.

1634
1635
1636
1637
1638

To address staff's concerns regarding light spillover from the interior of the cupola, the applicant has provided a photometric plan that indicates very little spillover from the interior lighting. The applicant has also indicated that these lights will be turned off at midnight.

1639
1640
1641
1642
1643
1644
1645
1646

Staff can recommend approval of POD-15-08, Patterson Avenue Ambulatory Care Center, subject to the annotations on the plans, the standard conditions for developments of this type, and the added conditions #34 and 35 in your addendum. I can read those to you, if you want. "No portable, temporary or electronic changeable message signs shall be permitted on the property." Number 35, "The parking lot shall be repaved to the satisfaction of the Director of Planning prior to the issuance of a Certificate of Occupancy."

1647
1648
1649
1650

Mr. Jernigan - Are there any questions for Mr. Garrison from the Commission?

1651
1652
1653

Mrs. Jones - Yes. As far as the two added conditions, I understand the portable electronic changeable message sign. The repaving of the parking lot, that can be done several ways, correct?

1654
1655

Mr. Garrison - That is correct, ma'am. That would include slurry coat.

1656
1657

Mrs. Jones - So, a slurry coat could do it.

1658 Mr. Garrison - Yes ma'am.
1659
1660 Mrs. Jones - Okay. I did have a question. The handouts that are being
1661 given to us were the ones that were tendered late yesterday, I believe.
1662
1663 Mr. Garrison - Yes.
1664
1665 Mrs. Jones - Maybe late the day before. They indicate 12 windows on
1666 this cupola, which has become a little bit more of an issue than certainly I ever intended.
1667 The question having been asked, and I may ask the applicant as well, was simply
1668 whether there would be any impact on the adjacent neighbors for the light that would be
1669 coming out of the windows at night up until midnight. I just wanted to have some gauge
1670 of the impact of that. We requested a photometric analysis; however, if I understand it
1671 correctly, the photometric analysis that showed there was absolutely almost zero was
1672 done with a four-window cupola, not a cupola of all windows all around. Correct?
1673
1674 Mr. Garrison - Correct.
1675
1676 Mrs. Jones - Do you have it available with the cupola with all glass?
1677
1678 Mr. Garrison - I can check in the file.
1679
1680 Mrs. Jones - I have it right here, but if you have it on there.
1681
1682 Mr. Garrison - The only color rendering I have is with the cupola with four
1683 windows.
1684
1685 Mrs. Jones - Okay. All right. Well, then I probably need to talk to the
1686 applicant about that. Thank you. I just wanted to see if you had it available. If there is
1687 nothing else from the Commission, I'd like to have the applicant come down.
1688
1689 Mr. Jernigan - Okay. Can we hear from the applicant, please?
1690
1691 Mr. Theobald - Chairman, ladies and gentlemen, I'm Jim Theobald on behalf
1692 of St. Mary's Hospital, Bon Secours.
1693
1694 Mr. Jernigan - Good morning.
1695
1696 Mr. Branin - Good morning.
1697
1698 Mrs. Jones - Good morning, Mr. Theobald.
1699
1700 Mr. Theobald - Good morning.
1701
1702 Mrs. Jones - I understand that you're doing duty for Mr. Rothenberg.
1703

1704 Mr. Theobald - Mr. Rothenberg, yes. Somebody let him go on vacation.
1705

1706 Mrs. Jones - I can't imagine how you allowed that. I am very, very
1707 pleased, as I've made known throughout this whole project, with the uses being
1708 contemplated and the way it will fit into this redeveloped site. I want to just double check
1709 because there have been quite a few elevations and variations on the theme rolling
1710 around about what we are approving today. The cupola that is represented in the
1711 handouts—this one—shows four windows. The cupola that had been discussed for
1712 several weeks prior to that shows windows all around.
1713

1714 Mr. Theobald - Right.
1715

1716 Mrs. Jones - I need some comments from you or possible folks who are
1717 here, the technical expertise, that windows all around are not going to be any more
1718 impactful upon the adjacent neighbors than it would be if someone had a residential
1719 home there and had their lights on until midnight. That's my only concern about the
1720 windows. Could you speak to that?
1721

1722 Mr. Theobald - Okay. My understanding—and [unintelligible] will correct me
1723 if I'm wrong—but I checked with Richard Banta, as well as with Keith on this. The four-
1724 window scenario was a response to concerns about lighting, although the six-window
1725 version I think looks a little better. We believe the photometrics of that will still fail to
1726 register anything, much less half-a-foot candle at the property line. I think I've said that
1727 correctly. We are willing to go back and look at and do that six-window version.
1728

1729 Mrs. Jones - I understand budget constraints are the name of the game
1730 for every project. I will hope that the funds are available. I don't know if you can speak
1731 to that or what the chances are of having a final design.
1732

1733 Mr. Theobald - I spoke Mr. Banta about that this morning. The team is
1734 rooting for this because it looks terrific. We believe that's what's going to happen, we
1735 just don't have the ability to speak for the people who make the final decision. We
1736 believe that there is a high likelihood that you're going to get what you see. We didn't
1737 just show you the picture; that's what we want to do.
1738

1739 Mrs. Jones - That's a very impressive look and as we go forward with that
1740 vote right now, I just want to make sure that we're talking about a cupola represented
1741 with all the windows, as it was before.
1742

1743 Mr. Theobald - Right.
1744

1745 Mrs. Jones - Okay. The landscaping and lighting plans will come back to
1746 the Commission so we can get into the details, but there have been, already,
1747 discussions about the street side landscaping. There have been renderings, which are
1748 represented here in the handout today. That remains the plan that is under
1749 consideration?

1750
1751 Mr. Theobald - Yes.
1752
1753 Mrs. Jones - Okay. There have been a lot of plans.
1754
1755 Mr. Theobald - Right.
1756
1757 Mrs. Jones - Okay. My only other question is I know timing is of the
1758 essence for your client and I know that the area is anxious to have this facility. Do you
1759 have any updates on timing for this?
1760
1761 Mr. Banta - [Off mike.] [Unintelligible.]
1762
1763 Mrs. Jones - I'm afraid you're going to have to come down. Sorry to make
1764 you take the walk.
1765
1766 Mr. Banta - Good morning, ladies and gentlemen. My name is Richard
1767 Banta. I'm vice president of construction for Bon Secours and in charge of this project.
1768 Our plans are to have this building completed along with the first tenant in the building
1769 by December of '08. So, that's why it's imperative that we move as fast as we can.
1770
1771 Mrs. Jones - I appreciate you being responsive to requests from me and
1772 from staff. With the additional enhancements out front—
1773
1774 Mr. Banta - Yes ma'am.
1775
1776 Mrs. Jones - —and I'm really hoping for a cupola. That is a very
1777 impressive building.
1778
1779 Mr. Banta - We are, too. Our CEO, Peter Bernard, absolutely wants this
1780 project as it's designed, of course, but we have to take it to our health system office in
1781 Marietta to get their final approval.
1782
1783 Mrs. Jones - I hope they see the light, so to speak. Mr. Banta, thank you
1784 very much.
1785
1786 Mr. Banta - Thank you all very much.
1787
1788 Mrs. Jones - Okay.
1789
1790 Mr. Theobald - I just had one additional comment for the record, and you
1791 alluded to this earlier, Mrs. Jones, and I appreciate that. The new condition #35, which
1792 says parking lots shall be repaved to the satisfaction of the Director of Planning. That's
1793 a little broad. I'm not suggesting that we need to change the language, but this
1794 discussion started when somebody wanted us to mill up the rear parking lot, which was
1795 going to cause a lot of additional problems and eliminate some landscaping areas, etc.

1796 Our discussions with staff are that the slurry coat would likely be acceptable. Just in the
1797 event that people who aren't here to hear the message, I'm hoping that this is the slurry
1798 coat that's likely to be acceptable. Milling up the rear would not be.
1799

1800 Mrs. Jones - My understanding is that a slurry coat will accomplish the
1801 goal.
1802

1803 Mr. Theobald - I appreciate that. Thank you so much. Any other questions?
1804

1805 Mrs. Jones - Okay.
1806

1807 Mr. Jernigan - I just want to clear up something with you now. We have a
1808 plan that has a cupola on it, but the cupola may not be there. We have two plans, as Mr.
1809 O'Kelly told me.
1810

1811 Mrs. Jones - This is an alternate elevation; however, the cupola as
1812 depicted in the alternate elevation is not the cupola that has been under discussion for
1813 several weeks. The cupola under discussion, which is what I wish to offer as an
1814 alternate elevation is not pictured in this particular graphic here. It is windows all around
1815 as opposed to just four windows.
1816

1817 Mr. Jernigan - You're going to handle it administratively. You're going to
1818 bring this up for approval now. You're going to handle it administratively on the cupola
1819 windows there or not, or whether it's six windows or—
1820

1821 Mrs. Jones - That will not come back to the Commission, but the
1822 Commission will approve this building with the exterior enhancements, including a
1823 cupola as an alternate or without a cupola, one way or the other.
1824

1825 Mr. Jernigan - Okay.
1826

1827 Mrs. Jones - My point in discussing it was that the cupola that we are
1828 looking for has windows all around, as opposed to what's depicted in the handout. Is
1829 everyone thoroughly confused?
1830

1831 Mr. Jernigan - No, I'm fine now. I just wanted to make sure you noted it,
1832 that it's an administrative call.
1833

1834 Mrs. Jones - Exactly. Landscape and lighting will come back to the
1835 Commission, but the exterior and the cupola will not.
1836

1837 Mr. Jernigan - Okay.
1838

1839 Mrs. Jones - All right?
1840

1841 Mr. Jernigan - Yes.

1842 Mrs. Jones - After all of that, I think we are where we need to be. I'm
1843 excited about this project and appreciate the design enhancements that have been
1844 brought to the building. I think the landscaping will be very attractive and certainly will
1845 set the tone for this area. I appreciate all that Bon Secours has done. With that, I will
1846 go ahead and recommend approval for POD-15-08, Patterson Avenue Ambulatory Care
1847 Center at Patterson and Gaskins. This will be in addition to standard conditions for
1848 developments of this type and the following additional conditions #9 amended and #11
1849 amended, #29 through 33 on the agenda, and #34 and 35 as listed in the addendum.

1850
1851 Mr. Archer - Second.

1852
1853 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Archer. All in favor
1854 say aye. All opposed say no. The ayes have it; the motion passes.

1855
1856 Mr. Vanarsdall - And employees will be encouraged to park in the rear.

1857
1858 Mrs. Jones - Absolutely.

1859
1860 The Planning Commission approved POD-15-08, Patterson Avenue Ambulatory Care
1861 Center, subject to the annotations on the plans, the standard conditions attached to
1862 these minutes for developments of this type, and the following additional conditions:

- 1863
1864 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
1865 Planning for review and Planning Commission approval prior to the issuance of any
1866 occupancy permits.
- 1867 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
1868 of the site lighting equipment, a plan including depictions of light spread and
1869 intensity diagrams, and fixture specifications and mounting height details shall be
1870 submitted for Department of Planning review and Planning Commission approval.
- 1871 29. A notice of completion form, certifying that the requirements of the Virginia
1872 Department of Transportation entrances permit have been completed, shall be
1873 submitted to the Department of Planning prior to any occupancy permits being
1874 issued.
- 1875 30. The entrances and drainage facilities on Patterson Avenue (State Route 6) shall
1876 be approved by the Virginia Department of Transportation and the County.
- 1877 31. There shall be no outdoor storage in moveable storage containers including, but
1878 not limited to, cargo containers and portable on demand storage containers.
- 1879 32. The proffers approved as a part of zoning case P-1-08 shall be incorporated in
1880 this approval.
- 1881 33. This business shall not remain in operation after midnight and no exterior signs
1882 shall remain lighted after 12:00 midnight.
- 1883 34. No portable, temporary or electronic changeable message signs shall be permitted
1884 on the property.
- 1885 35. The parking lot shall be repaved to the satisfaction of the Director of Planning prior
1886 to the issuance of a Certificate of Occupancy.
- 1887

1888 **PLAN OF DEVELOPMENT**

1889

POD-16-08
St. Mary's Hospital-Intra
Operative MRI
(POD-58-84 and POD-6-
96 Revised)

Timmons Group for Bon Secours and St. Mary's Hospital of Richmond: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story addition to an existing hospital building. The first floor is a 15,786 square foot lobby expansion and Intra Operative MRI addition and the second floor is a 20,178 square foot addition for a future emergency room expansion. The 1.13-acre site is located on the east line of Bremono Road, approximately 425 feet south of Monument Avenue on part of parcel 769-737-3039. The zoning is O-3, Office District. County water and sewer. **(Three Chopt)**

1890

1891 Mr. Jernigan - Is there any opposition to POD-16-08, St. Mary's Hospital-
1892 Intra Operative MRI (POD-58-84 and POD-6-96 Revised)?

1893

1894 Ms. Clay - [Off mike.] I have a question about parking.

1895

1896 Mr. Jernigan - Okay, ma'am. You will have a moment to speak after this is
1897 presented.

1898

1899 Ms. Goggin - Good morning again.

1900

1901 Mr. Jernigan - Good morning.

1902

1903 Ms. Goggin - This renovation expansion is a proposed two-story addition
1904 and it's attached to the existing hospital. Let me see if I can (adjusting presentation
1905 graphic). Well, this sort of helps. It's attached to the existing hospital. You can sort of
1906 see the existing hospital outline. This is the first story. As Mr. O'Kelly said, the first floor
1907 expansion is a 15,786-square-foot expansion and lobby renovation for a sterilized intra-
1908 operative MRI suite, which will allow for specialized scanning use during neurosurgery,
1909 which should help cut down on complications that may be associated with that. This is
1910 one of 16 in the country, so that makes it kind of unique there.

1911

1912 The second floor—that was kind of out of order here (referring to presentation graphic).
1913 The second floor expansion, which would be up on here from the graphic, is the
1914 emergency room expansion, which would allow 16 more emergency bays, which,
1915 according to the hospital, are necessary to continue to serve the community in a timely
1916 manner. This expansion is located between three existing buildings, as you can tell.
1917 This is MOB North. We have MOB South and the original hospital. It will come out no
1918 more than 50 feet towards Bremono Road. It will not be any taller than the existing
1919 buildings around it. The expansion is towards Bremono Road and the parking decks. As
1920 part of this expansion, they will reconfigure the handicapped parking that is currently

1921 located in the courtyard-style area located in between all these buildings. This
1922 expansion will not encroach any further into or onto any residential uses.
1923

1924 This renovation expansion was presented to the hospital's Advisory Board, which
1925 includes the Westwood Association, Westwood Manor, Westhampton Place Condos,
1926 and Westview Neighborhood Association, and other members of the community that do
1927 not necessarily represent neighborhood associations, but are individual citizens to
1928 discuss the proposed expansion. Staff did not receive any calls concerning the
1929 proposed expansion or addition when notice letters went out. Like I said, here is a color
1930 rendering so you can see the existing hospital, the limit of the expansion, and then here
1931 it is from the ground view.
1932

1933 Staff would be happy to answer any questions the Commission may have. We have
1934 hospital representative Jim Theobald, architects, engineers, and one citizen with a
1935 question. With that, staff can recommend approval of this POD with the standard
1936 conditions for plans of this type, and additional conditions 29 through 31.
1937

1938 Mr. Jernigan - Are there any questions for Ms. Goggin from the
1939 Commission?
1940

1941 Mr. Branin - I have none.
1942

1943 Mr. Jernigan - Do you want to hear from the applicant, sir?
1944

1945 Mr. Branin - No, I'd rather hear from the opposition.
1946

1947 Mr. Jernigan - Okay. Ma'am, would you come down to the podium,
1948 please? Give us your name for the record.
1949

1950 Ms. Clay - My name is Lois Clay. I live at 6206 West Franklin Street.
1951

1952 Mr. Jernigan - Okay. Good morning.
1953

1954 Ms. Clay - Good morning. I am a representative of the Westview
1955 Manor Neighborhood Association and I'm also on the St. Mary's Community Advisory
1956 Board. My only possible opposition to the expansion would be how it would impact
1957 parking. I know that in 2006, the Planning Commission and the Board of Supervisors
1958 approved a rezoning of some property for valet and employee parking for St. Mary's,
1959 and we opposed that. I just want to make sure that if there's any expansion over at St.
1960 Mary's, it's not going to impact our neighborhood with further expansion into our
1961 neighborhood, whether it's a change in the proffers, amendment to the proffers to that
1962 property that was rezoned. In other words, you're going to have more services
1963 provided. I'm assuming that's going to impact parking. Plus, you're expanding out the
1964 building. I don't know if that's going to take any of the existing parking spaces away or
1965 not.
1966

1967 Mr. Branin - Ms. Clay, I'm going to ask the applicant to come down and
1968 address that question. I worked for quite a few months on that parking area and Bon
1969 Secours did an unprecedented thing and signed a statement saying they would go no
1970 further west.

1971

1972 Ms. Clay - Yes, I know that. I also know that proffers can be amended.
1973 Correct?

1974

1975 Mr. Branin - Yes ma'am.

1976

1977 Ms. Clay - I just want to make sure.

1978

1979 Mr. Branin - Okay. We're still right there with you.

1980

1981 Ms. Clay - Okay.

1982

1983 Mr. Branin - Let's get the applicant down, if I may, Mr. Chairman.

1984

1985 Mr. Theobald - Mr. Chairman, ladies and gentleman, I'm Jim Theobald,
1986 once again here on behalf of Bon Secours. We appreciate your consideration of this
1987 plan. For once, it's in an area that is not obtrusive to the neighbors, for which I'm sure
1988 we're all grateful. As to parking, which you will notice if you have occasion to utilize St.
1989 Mary's, there is a sea of handicapped parking right outside that front door. And there's
1990 an excess of handicapped parking that's above code in that area and in general. So, the
1991 only parking that this will impact is really the excess of handicapped spaces. We
1992 continue to be in compliance with all of our PUP's, zoning, and County ordinances with
1993 regard to required parking, which we have demonstrated to staff, and I think that
1994 Christina will confirm that they've been through that yet again on this application. So, it
1995 will take up some number of handicapped spaces that are in excess. If you've been
1996 there, the good news is those are rarely full.

1997

1998 I'd be happy to answer any other questions. It really is a neat opportunity to provide a
1999 new medical device and some additional emergency room care.

2000

2001 Mr. Branin - Mr. Theobald, in regards to the parking area that was
2002 approved in 2006, I drive by the hospital on a weekly basis and they're using it more for
2003 construction storage while the County work is being done, the utility work. Any idea
2004 when that parking area will be done?

2005

2006 Mr. Theobald - Honestly, no. It's been presented in the budget. That part of
2007 the budget has not been approved. It's certainly intended to be started as soon as we
2008 have the funding approved. So, it's not like it's years out, but it's not in the next couple
2009 of months either. There are no other plans to move west or to do anything else that I'm
2010 aware of. We've made a commitment to those neighbors and we intend to honor it.

2011

2012 Mr. Branin - Right. And you took my number three away from me. My
2013 number three was to review that agreement and the community's feeling on westward
2014 expansion, and this particular Commissioner's opinion on westward expansion. We
2015 went into that agreement and you gave your agreement to the community. I want to
2016 make sure that your client will uphold.
2017
2018 Mr. Theobald - They will. And I'm not brave enough to come back and try to
2019 undo it.
2020
2021 Mr. Branin - Good thinking, Mr. Theobald. Those are the only questions I
2022 have. Ms. Clay, do you have any other questions? Okay.
2023
2024 Mrs. Jones - I have a quick question. Will the building impact valet parking
2025 in any way? That will continue as it does today?
2026
2027 Mr. Theobald - Yes ma'am.
2028
2029 Mr. Glover - I have one question.
2030
2031 Mr. Jernigan - Yes sir.
2032
2033 Mr. Glover - How tall will this building be when you finish?
2034
2035 Mr. Theobald - This two-story addition? I think I need to defer to somebody
2036 on that.
2037
2038 Mr. Glover - How does it stack up against the buildings that are there?
2039 And I'll ask the question about the air conditioning units on the top of the buildings. Is
2040 that where you're going to put them?
2041
2042 Mr. Theobald - I'm not sure if the mechanicals have been done, but I think
2043 there will be units on top of this two-story addition. It will be shielded per the PUP
2044 conditions with the same kind of side attenuation that we've worked through with the
2045 neighbors and you, Mr. Glover, in the past.
2046
2047 Mr. Glover - They're going to abate all the noise that comes out of that air
2048 conditioning unit.
2049
2050 Mr. Theobald - They're going to abate it to the requirements that we've
2051 established previously.
2052 Mr. Glover - And if it does disturb the neighbors—
2053
2054 Mr. Theobald - The good news is this is—
2055
2056 Mr. Glover - —are they going to come back and fix it?
2057

2058 Mr. Theobald - Yes, sure. And this is in the neighborhood—
2059
2060 Mr. Glover - [Unintelligible], the rest of it is okay.
2061
2062 Mr. Theobald - I'm sorry?
2063
2064 Mr. Glover - When I made the statement you'll come back and fix it, you
2065 said yes and then went on with a caveat. I like the part [unintelligible].
2066
2067 Mr. Theobald - I think they've been very responsive to the neighbors.
2068
2069 Mr. Glover - They have. Well, it's just two years.
2070
2071 Mr. Theobald - It is. We worked through it. I think those problems—
2072
2073 Mr. Glover - I think it was after you came to work with them.
2074
2075 Mr. Theobald - Possibly.
2076
2077 Mr. Branin - I have the one question that wasn't answered on height.
2078
2079 Ms. Goggin - Excuse me. According to the elevations provided by the
2080 architect, the main part of the proposed structure is 27 feet, 4 inches, including the
2081 penthouse will be 28 feet.
2082
2083 Mr. Branin - Twenty-eight feet. Ms. Goggin, if we look at the north—
2084
2085 Ms. Goggin - Excuse me, I meant to say 38.
2086
2087 Mr. Branin - Thirty-eight feet. That's fine. Thirty-eight feet. If we look at
2088 the building, the north and the south buildings, they are approximately—I'm not going to
2089 hold you to it.
2090
2091 Ms. Goggin - I will say—
2092
2093 Mr. Jernigan - They're eight stories.
2094
2095 Ms. Goggin - Four to six stories each. Four to six. I'm so sorry, I'm
2096 having—Six to eight stories.
2097
2098 Mr. Branin - Okay.
2099
2100 Ms. Goggin - You can tell back here. There's another graphic that kind of
2101 shows how this is in the middle of all these buildings. The only opening would be Brema
2102 Road over here, which then the parking deck is on the other side.
2103

2104 Mr. Jernigan - Are there any more questions for Mr. Theobald?
2105
2106 Mr. Theobald - Thank you.
2107
2108 Mr. Jernigan - Any more questions for Ms. Goggin? Okay, thank you.
2109
2110 Mr. Branin - Well then, Mr. Chairman, I would like to move that POD-16-
2111 08, St. Mary's Hospital-Intra Operative MRI (POD-58-84 and POD-6-96 Revised), be
2112 approved with conditions 29 thru 31.
2113
2114 Mr. Vanarsdall - Second.
2115
2116 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
2117 favor say aye. All opposed say no. The ayes have it; the motion passes.
2118
2119 The Planning Commission approved POD-16-08, St. Mary's Hospital-Intra Operative
2120 MRI (POD-58-84 and POD-6-96 Revised), subject to the annotations on the plans, the
2121 standard conditions attached to these minutes for developments of this type, and the
2122 following additional conditions:
2123
2124 29. A construction staging plan which includes details for traffic control, fire
2125 protection, stockpile locations, construction fencing and hours of construction
2126 shall be submitted for County review and prior to the approval of any final
2127 construction plans.
2128 30. The certification of building permits, occupancy permits and change of
2129 occupancy permits for individual units shall be based on the number of parking
2130 spaces required for the proposed uses and the amount of parking available
2131 according to approved plans.
2132 31. The location of all existing and proposed utility and mechanical equipment
2133 (including HVAC units, electric meters, junctions and accessory boxes,
2134 transformers, and generators) shall be identified on the landscape plan. All
2135 building mounted equipment shall be painted to match the building, and all
2136 equipment shall be screened by such measures as determine appropriate by the
2137 Director of Planning or the Planning Commission at the time of plan approval.
2138

2139 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

2140

POD-18-08
Retail Shops @ Short
Pump – Access Road –
Spring Oak Drive and W.
Broad Street
(POD-19-07 Revised)

Will Wheeler and D. Neil Rankins for SRP 1-Madison @ Spring Oak, L.L.C. and R+R Property Development, L.C.: 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 revise a previously approved plan of development (POD-19-07) to show an access drive to Spring Oak Drive. The 1.252-acre site is located on the south line of W. Broad Street (U.S. Route 250) approximately 1,005 feet west of Pump Road on parcels 739-762-0100 and 738-761-6025. The zoning is B-1, Business District, B-2C, Business District (Conditional), R-5C, General Residence District (Conditional) and WBSO (West Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

2141

2142 Mr. Jernigan - Is there any opposition to POD-18-08, Retail Shops @ Short
2143 Pump – Access Road at Spring Oak Drive and West Broad? There is no opposition?
2144

2145

2145 Mr. Garrison - Good morning again. The applicant is requesting approval
2146 of a revised previously approved POD to show an access drive to Spring Oak Drive and
2147 a transitional buffer deviation. The transitional buffer deviation would allow placement of
2148 the required planting on the R-5C-zoned property adjacent to the access easement. A
2149 revised plan has been included in your agenda that addresses the schematic
2150 landscaping and six-foot masonry wall between the R-5C zoning.
2151

2152

2152 Should the Commission grant the transitional buffer deviation, staff recommends
2153 approval subject to the annotations on the plans, standard conditions for developments
2154 of this type, and the added conditions on your agenda. Staff and the applicant are
2155 available to answer any questions that you may have.
2156

2157

2157 Mr. Jernigan - Okay. Are there any questions for Mr. Garrison from the
2158 Commission?
2159

2160

2160 Mr. Branin - No, but I would like to hear—I don't have any; they may. I'd
2161 like to ask a couple questions of the applicant, please.
2162

2163

2163 Mr. Jernigan - Would the applicant come down, please? Good morning.
2164 Would you state your name for the record, please?
2165

2166

2166 Mr. Rankins - Dennis Neil Rankins.
2167

2168

2168 Mr. Branin - Mr. Rankins, I commend you on the development so far out
2169 there. The project's looking good. This has been a challenging project from the get-go

2170 with access and so forth. I know staff at the County here, myself, I believe Mr.
2171 Kaechele, have tried to get in touch with the retail owners next to you, Four Eyes.

2172
2173 Mr. Rankins - Correct.

2174
2175 Mr. Branin - We are recommending on a good planning sake that they
2176 grant you an easement because that retail area is a mess parking-wise. There is
2177 nowhere to park and people are getting in accidents. It's horrendous. I have requested
2178 from you several times, as well as staff, to get in touch with them to see if they would
2179 grant you access so we don't have to have this road come through the back of the
2180 building between the apartments and their property. Can you update me on where
2181 we're at with that?

2182
2183 Mr. Rankins - We're at the point where we're sending them back an
2184 easement agreement that we had negotiated with them probably a year, year and a half
2185 ago, which they reneged on several times. We're going to go ahead and send that back
2186 to them with a letter and a check for \$100,000, which was their price for the access
2187 easement, and see if they will agree to it. They, over the course of the last year, have
2188 agreed to the easement and then not agreed to it, and so forth and so on. They also
2189 offered to sell the property to us, which we sent them a contract and then they reneged
2190 on that. So, I'm not quite sure when their motivation is. I talked to the Verizon Wireless
2191 regional manager over there the other day. He's a tenant and he's very distressed at the
2192 parking situation there as well. He was going to try to apply pressure to this fellow
2193 named Mark Burgin, who is, I guess, Vice President at WSC Development, which I
2194 understand is a development arm of the Four Eyes retail chain. And then we're had
2195 people at the County, obviously, contact them and try to persuade them that this is the
2196 right thing to do.

2197
2198 So, that's where we're at. So, I'm going to make one last final attempt to get them to
2199 sign it and go for it.

2200
2201 Mr. Branin - Mr. Rankins, I don't need to get into the legal or any contract
2202 that you're looking at, but are you going to grant them access to use your parking as
2203 well in your easement?

2204
2205 Mr. Rankins - Right. Part of the original proposal we made to them was we
2206 asked them if they would grant us an access through there mainly because the County
2207 had asked us right off the get-go to do.

2208
2209 Mr. Branin - Which I did several times.

2210
2211 Mr. Rankins - They agreed to it. We prepared plats which we would give
2212 them a cross access easement all the way across our property to the entrance on Broad
2213 Street, as well as a cross parking easement so that they can actually use some of our
2214 parking. We have extra parking on our side. It just seemed like it was really more to
2215 their advantage to agree to it than ours, frankly, and the reason we had initially started

2216 doing it was because Randy Silber thought it was a great idea to have this secondary
2217 access out of the site. Indeed, the reason I flew down to Atlanta and meet with
2218 Simpson Housing for this access we're talking about now is mainly because we were
2219 getting a lot of mixed signals from WSC as to whether they would really follow through.
2220 So, I went down to Atlanta and met with a senior person at Simpson Housing. They
2221 agreed to give us the access that we're seeing right here in case we can't get the WSC.
2222 They've been extremely nice to work with and very cooperative.
2223

2224 Mr. Branin - I know your project is getting closer to completion. I'm going
2225 to move for approval of this that's being proposed today. I am hoping that you'll be
2226 coming back to us with an alternative, which would be the new easement and the
2227 combining of the parking.
2228

2229 Mr. Rankins - To put this access drive in will probably cost us on the order
2230 of 20, 30 times the amount of money that we would pay for the construction of the
2231 easement. Not the price of the easement, but the actual construction cost of this access
2232 road is significant. It's about \$750,000. A large part of that cost is there's a huge block
2233 of Verizon switchgear and so forth that has to be moved. They have agreed to move it,
2234 but it's extremely expensive. So, we have every motivation to try to make this
2235 connection. And we feel it's the best route as well, the best thing to do as well.
2236

2237 Mr. Branin - Okay. All right.

2238
2239 Mr. Rankins - That's where we're at.

2240
2241 Mr. Branin - That's all I have, Mr. Rankins.

2242
2243 Mr. Jernigan - Any other questions? Thank you, sir.

2244
2245 Mr. Rankins - Thank you.

2246
2247 Mr. Branin - Mr. Chairman, I'd like to move for approval of POD-18-08,
2248 Retail Shops @ Short Pump – Access Road at Spring Oak Drive and West Broad, with
2249 conditions 29 through 32.

2250
2251 Mrs. Jones - Second.

2252
2253 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in favor
2254 say aye. All opposed say no. The ayes have it; the motion passes.
2255

2256 The Planning Commission approved POD-18-08, Retail Shops @ Short Pump – Access
2257 Road at Spring Oak Drive and West Broad, subject to the annotations on the plans, the
2258 standard conditions attached to these minutes for developments of this type, and the
2259 following additional conditions:
2260

- 2261 29. A concrete sidewalk meeting County standards shall be provided along the east
 2262 side of Spring Oak Drive.
 2263 30. All exterior lighting fixtures shall be designed and arranged so the source of light
 2264 is not visible from the roadways or adjacent residential properties. The lighting
 2265 shall be low intensity, residential in character, and the height or standards shall
 2266 not exceed 15 feet.
 2267 31. Approval of the construction plans by the Department of Public Works does not
 2268 establish the curb and gutter elevations along the Henrico County maintained
 2269 right-of-way. The elevations will be set by Henrico County.
 2270 32. Evidence of a joint ingress/egress and maintenance agreement must be
 2271 submitted to the Department of Planning and approved prior to issuance of a
 2272 certificate of occupancy for this development.
 2273

2274 **SUBDIVISION**

2275 SUB-08-08 **Burgess & Niple for KCA/Holloway L.C.:** The 34.873-
Martin’s Ridge (formerly acre site proposed for a subdivision of **87** single-family
 Hollow Way) home is located at the eastern terminus of Opaca Lane on
 (March 2008 Plan) parcel 750-773-1173 and part of 751-773-4286. The
 zoning is R-3C, One-Family Residence District
 (Conditional). County water and sewer. **(Three Chopt) 87
 Lots**

2276
 2277 Mr. Jernigan - Is there any opposition to SUB-08-08, Martin’s Ridge
 2278 (formerly Hollow Way) (March 2008 Plan)? No opposition. Mr. Ward?
 2279

2280 Mr. Ward - Good morning.
 2281

2282 Mr. O’Kelly - Before you get started, is it 87 lots or 187 lots?
 2283

2284 Mr. Ward - It’s 87 lots.
 2285

2286 Mr. O’Kelly - Eighty-seven. Thank you.
 2287

2288 Mr. Ward - You’re welcome.
 2289

2290 You do have the revised plan included in the addendum. There are some annotations
 2291 on the plan addressing the provision of a sidewalk and a planting strip easement along
 2292 both sides of Holman Ridge Road. This is to match the existing streetscape as well as
 2293 the provision of a landscape buffer to buffer the rear yard of the lots in Chappell Ridge
 2294 from the Westward Place cul-de-sac. In staff’s plan—what I just went over— a 25-foot
 2295 landscape buffer will be provided so that the cars driving up the cul-de-sac are not
 2296 disrupting the neighbors back here. The Holman Ridge Road that we’re talking about, it
 2297 exists on the northwest side. It takes you by Rivers Edge Elementary School. We have
 2298 some pictures of the current state of that road, if you want to put them up. This will show
 2299 the sidewalks on the north/south sides of Holman Ridge Road and the streetscape

2300 that's existing. As this picture shows, there's a barricade to the right of the home there.
2301 This is where the road would be extended into the new subdivision. You can see it's a
2302 nicely manicured area with sidewalks on both sides and a nice streetscape.
2303

2304 We can go back to the two unresolved issues, which will need to be addressed before
2305 final approval of the subdivision. You don't see it on the plan here, but you will see it on
2306 this Lot 14 on the revised plan. There is a proposed BMP here adjacent to the cul-de-
2307 sac on Amberwill Place. The Department of Public Works has required this and has
2308 indicated that the BMP is acceptable, but the current location does not conform with
2309 County policy, which is requiring the BMP not be located in the front yard of a residential
2310 lot, and also how the BMP impacts other lots on the cul-de-sac. This is just a provision
2311 to help deter any complaints. The Planning Department does recommend another
2312 location be designated for this basin.
2313

2314 Secondly, the extension for Holman Ridge Road in your current plan would show it
2315 being stubbed here. Staff had recommended it to be stubbed to the southeastern
2316 property line, which is currently required by the 2010 Major Thoroughfare Plan.
2317 Although alternatives for this area are under discussion, you have Condition 23 that's
2318 been revised and handed out. This condition would require that the lots to be impacted
2319 by this extension not be granted final approval until such time as the Major
2320 Thoroughfare Plan may be amended and approved by the Board of Supervisors. We'll
2321 wait until we get the revised plan up to show you what we're talking about.
2322

2323 The last item I mentioned is the road would not extend through lots 10 and 11. They
2324 would be the only two lots that would not be getting the final approval and recordation
2325 until the Thoroughfare Plan is adopted and amended.
2326

2327 Mr. Jernigan - Are there any questions for Mr. Ward from the Commission?
2328

2329 Mr. Branin - I have a couple. Mr. Ward, you're saying that lots 11 and 12
2330 should be put on reserve until the Thoroughfare Plan has been—
2331

2332 Mr. Ward - It's 10 and 11.
2333

2334 Mr. Branin - Ten and eleven, rather?
2335

2336 Mr. Ward - Right.
2337

2338 Mr. Branin - Before the Major Thoroughfare Plan has been approved or
2339 amended?
2340

2341 Mr. Ward - Amended. If it's amended, they would have to vote and
2342 approve.
2343

2344 Mr. Branin - Is that Thoroughfare Plan under review now?

2345 Mr. Ward - The 2026 is. The 2010 shows it extending to the property
2346 line.
2347
2348 Mr. Branin - But which one—
2349
2350 Mr. Ward - 2026.
2351
2352 Mr. Branin - Which one are you referring to?
2353
2354 Mr. Ward - Staff's requiring the 2010 MTP (Major Thoroughfare Plan)
2355 because that's what's adopted and what we have to go by. We're working with the
2356 applicant on the condition based on the new amendments for 2026.
2357
2358 Mr. Branin - The land on the other side where this would connect in, has
2359 that been determined by the Land Use for 2026 yet?
2360
2361 Mr. Ward - It was talked about in our meeting on Friday to be
2362 considered Office and Residential uses. I don't know if there is definite land use
2363
2364 Mr. Branin - It was discussed where?
2365
2366 Mr. Ward - At the Planning Department.
2367
2368 Mr. Branin - But it hasn't been discussed with Mr. Kaechele or myself on
2369 what the actual use will be here.
2370
2371 Mr. O'Kelly - It's my understanding, Mr. Branin, that there has been
2372 discussion by the Comprehensive Planning staff with Mr. Kaechele about potential land
2373 uses for this area and potential changes to the 2026 Plan. We do have a revised
2374 recommendation for you this morning. Rather than reserve lots 10 and 11 in Block C,
2375 the applicant has proposed a condition, which we would agree with, that would indicate
2376 that they would not request final approval or recordation of those two lots until the Major
2377 Thoroughfare Plan has been reviewed and amended to this area.
2378
2379 Mr. Branin - And the land use as well. If there's a thoroughfare plan, it's
2380 going to be contingent on the land use as well.
2381
2382 Mr. O'Kelly - Correct.
2383
2384 Mr. Branin - Is staff comfortable with that?
2385
2386 Mr. O'Kelly - I think we're comfortable with that condition, yes.
2387
2388 Mr. Branin - Okay. If you listen to the staff report, you get the feeling that
2389 we're not
2390

2391 Mr. O'Kelly - In all due respect, Mr. Branin, we're dealing with a plan that
2392 we just received almost yesterday and trying to respond to it. It's unfortunate that that's
2393 happened, but that's what we're trying to deal with and we're doing the best we can.
2394

2395 Mr. Branin - Okay. BMP? We're going to want to address that with the
2396 applicant.
2397

2398 Mr. Jernigan - Mr. Ward, on lot 37 where is says a stem is not allowed, has
2399 that been corrected.
2400

2401 Mr. Ward - That's been revised.
2402

2403 Mr. O'Kelly - I think we need to put the revised plan up, if possible, so that
2404 we can discuss it.
2405

2406 Mr. Ward - Do you have a copy of the revised plan?
2407

2408 Mrs. Jones - What we have is what we're looking at.
2409

2410 Mr. Jernigan - You could move the BMP over there.
2411

2412 Mr. Ward - Like Mr. O'Kelly said earlier, we did get this in a very late
2413 stage of review, so during preliminary reviews one of the comments that staff made and
2414 they did address that comment. It's no longer a stem lot.
2415

2416 Mr. Jernigan - Okay. Any more questions for Mr. Ward? Mr. Branin, would
2417 you like to hear from the applicant?
2418

2419 Mr. Branin - Absolutely.
2420

2421 Mr. Theobald - Mr. Chairman, ladies and gentleman, my name is Jim
2422 Theobald here on behalf of KCS/Holloway, LC. We appreciate staff attempting to
2423 respond to the plan, but let me assure you that they all grew out of the rezoning effort
2424 that was approved by the Board in dealing with the neighbors. The remaining issues all
2425 stem from Holman Ridge Road. It comes through Wyndam Forest. The dichotomy that's
2426 been created is that technically your 2010 Plan shows the concept Major Thoroughfare
2427 Plan road going over all the way through our piece, but your small area plan, which
2428 we've all used as we've considered zoning cases, etcetera, stops that road in the
2429 middle of this piece and heads south.
2430

2431 While that small area plan didn't technically amend the Thoroughfare Plan, it's sort of
2432 been the operative document. That's the basis of some of the discussion here. Suffice
2433 it to say that Wyndam Forest was adamantly opposed about connecting it, as well as
2434 my client, not knowing what was going to happen next door.
2435

2436 We have agreed to this revised condition to which Mr. O’Kelly alluded, which says that
2437 lots 10 and 11, Block C, shall not be submitted for final approval or recorded unless a
2438 future amendment to the Major Thoroughfare Plan for this area deletes or alters the
2439 extension of Holman Ridge Road. So, your opportunities are amend the current plan;
2440 take care of it in you 2026 Plan, if that’s what you choose to do; or render an
2441 interpretation that this configuration is generally consistent with the existing Major
2442 Thoroughfare Plan, which has been done in a number of instances. It could potentially
2443 be done based on the connection we’ve added up there, if you look to the right of your
2444 screen at that top cul-de-sac, lower right there, that comes off of Lot 18 where we do
2445 connect into the remainder of the Holloway piece next door. There is also access down
2446 where we come back into Opaca. That revised condition is acceptable to us. We do
2447 believe that it is something we promised during the zoning and will get taken care of
2448 accordingly. That revised condition will be okay with us.
2449

2450 There is one other that I would like to ask you to amend that staff was just not
2451 comfortable amending on the fly this morning. It’s #20. It talks about any lot that’s
2452 going to front on Holman Ridge Road will provide a 20-foot landscape easement.
2453 Again, that was discussed through zoning. It was an issue that was brought up in the
2454 staff report wanting this road to not have lots that faced Holman Ridge Road, and
2455 wanting a planting strip easement. We resisted that throughout the zoning process. It
2456 was not offered as a proffer. The case was approved without that proffer. But, I have an
2457 alternative for you. What I’d like to offer for you, which I hope you’ll find acceptable to
2458 address this issue, because we know there are concerns with all the lots with direct
2459 access to Holman Ridge Road, is I would ask that you consider deleting what is
2460 currently proposed for #20 and instead adding that only lots 21 and 22, Block A, and
2461 lots 24 and 25, Block B shall have direct access to Holman Ridge Road. Basically, the
2462 other lots would be reversed to the road and only those four would have direct access.
2463 Do away with this notion of a landscape strip, which have resisted consistently
2464 throughout.
2465

2466 I think the rest of the conditions as proposed are fine. Again, I do appreciate all the last
2467 minute dealing with this case.
2468

2469 Mr. Jernigan - Any more questions for Mr. Theobald?

2470
2471 Mr. Branin - Mr. Theobald, review that one more time with the houses.
2472

2473 Mr. Theobald - It would be only lots 21 and 22, Block A, and lots—
2474

2475 Mr. Branin - Will front Holman Ridge.
2476

2477 Mr. Theobald - Those would be allowed to have direct access, yes. The
2478 others would be side or rear access.
2479

2480 Mr. Branin - Not 20? Twenty would have side?
2481

2482 Mr. Theobald - I can't read this.
2483
2484 Mrs. Jones - They would face Westwood Terrace.
2485
2486 Mr. Branin - It would face Westwood Terrace, right?
2487
2488 Mr. Theobald - That's right, it would face Westwood Terrace. Thank you.
2489
2490 Mr. Branin - Along with 23 and 26 and 20, the ones that are—26 and 20
2491 that add Westwood Terrace will have landscaping along Holman Ridge?
2492
2493 Mr. Theobald - The only landscaping that's provided is at the end of the cul-
2494 de-sac of Westwood Place, per another condition. There is no landscaping easement
2495 along Holman Ridge Road whatsoever. There are sidewalks on both sides of Holman
2496 Ridge Road, but no dedicated landscaping strip.
2497
2498 Mr. Branin - Mr. O'Kelly, staff's position on this?
2499
2500 Mr. O'Kelly - Staff's initial position was that those lots should back up to
2501 Holman Ridge Road and should be redesigned. We suggested that some landscaping
2502 be provided to be consistent with what's been provided on the adjacent properties. But
2503 they're opposed to that, too, so. Mr. Theobald, could you read your condition again?
2504
2505 Mr. Theobald - Only lots 21 and 22, Block A.
2506
2507 Mr. O'Kelly - Okay.
2508
2509 Mr. Theobald - And lots 24 and 25, Block B shall have direct access to
2510 Holman Ridge Road. That would be in lieu of all of existing #20.
2511
2512 Mr. Jernigan - Now, #20 could face Holman Ridge, but the access would
2513 come off of Westwood Terrace. Are you saying that—
2514
2515 Mr. Theobald - Are you referring to Lot 20?
2516
2517 Mr. Branin - Lot 20, correct.
2518
2519 Mr. Jernigan - Lot 20 on Block A. Could that front on Holman and access
2520 off of Westwood?
2521
2522 Mr. Theobald - It could front on Holman, but it could be accessed from
2523 Westwood Terrace.
2524
2525 Mr. Jernigan - Right, okay.
2526
2527 Mr. Theobald - The key there is direct access to the proposed condition.

2528 Mr. Jernigan - That's what I wanted to clear up because Mr. Branin at first
2529 said that Lot 20 would face Westwood. So, it could face Holman and get access off of
2530 Westwood.
2531
2532 Mr. Branin - Which would be preferred.
2533
2534 Mr. Theobald - Face Holman because of setbacks. It would face Holman.
2535
2536 Mr. Branin - It would face Holman with access from Westwood.
2537
2538 Mr. Theobald - Right, sir.
2539
2540 Mr. Branin - Okay. And 26, the same?
2541
2542 Mr. Theobald - That one's actually facing Westwood.
2543
2544 Mr. Branin - And 23?
2545
2546 Mr. Theobald - Rick, you need to come up here and look at this stuff. It's
2547 facing Holman with side access on Amberwill.
2548
2549 Mr. Branin - Okay. So, the only one that's in question is 26. As the picture
2550 shows, the landscaping that is prior to coming into this subdivision is nice. The
2551 sidewalks are nice. I'm pushing you guys to give us more houses facing so we don't
2552 have sides or backs facing like we do on Nuckols Road. My intent is for you to get them
2553 all facing Holman, and if not, give us edging like the picture that you see. Does that
2554 make sense to you, Mr. Theobald, to keep the integrity of the development? Just say
2555 yes, Mr. Theobald. It's a simple answer.
2556
2557 Mr. Theobald - There is no simple answer.
2558
2559 Mr. Branin - Just say yes.
2560
2561 Mr. Theobald - Houses that back or side Holman Ridge Road would have a
2562 ten-foot minimum landscape strip.
2563
2564 Mrs. Jones - Is that with sidewalks?
2565
2566 Mr. Branin - As well as a sidewalk.
2567
2568 Mr. Theobald - Mmm-hmm.
2569
2570 Mr. Branin - And I'll work with you diligently on your landscape plan.
2571
2572 Mr. Theobald - Work me over or work with me?
2573

2574 Mr. Branin - The last one is the BMP.
2575
2576 Mr. Theobald - Yes. We've agreed on an annotation on the plan that that will
2577 have to be reviewed once that's engineered. We're straight with staff on the note that's
2578 on there now. It talks about having to go through the County Manager for relief, which
2579 we may or may not even have to do depending upon whether it really has to go there.
2580 It's really hard engineering these BMP's. We're okay with the note that's on there.
2581
2582 Mr. Branin - Mr. O'Kelly, are you comfortable with that?
2583
2584 Mr. O'Kelly - At this point, Mr. Branin, yes sir.
2585
2586 Mr. Branin - Okay.
2587
2588 Mr. O'Kelly - It doesn't meet County policy as it's currently shown, but with
2589 the caveat that Mr. Theobald has presented, I think we're fine with it.
2590
2591 Mr. Jernigan - Any more questions for Mr. Theobald from the Commission?
2592 Thank you, sir.
2593
2594 Mr. Theobald - Thank you.
2595
2596 Mr. Branin - All right. Mr. Chairman, I'd like to move that SUB-08-08,
2597 Martin's Ridge (formerly Hollow Way) (March 2008 Plan) be approved subject to the
2598 annotations on the plan, standard conditions for subdivisions served by public utilities,
2599 as well as conditions 13, 14, and on the agenda, conditions 15, 17, 24, 25 deleted, 20
2600 revised, 21 revised, and 22 added on page 8 of your addendum, along with condition 23
2601 revised.
2602
2603 Mrs. Jones - Second.
2604
2605 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in favor
2606 say aye. All opposed say no. The ayes have it; the motion passes.
2607
2608 The Planning Commission granted conditional approval to SUB-08-08, Martin's Ridge
2609 (formerly Hollow Way) (March 2008 Plan), subject to the standard conditions attached
2610 to these minutes for subdivisions served by public utilities, the annotations on the plans,
2611 and the following additional conditions"
2612
2613 13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously
2614 noted on the plat and construction plans and labeled "Limits of Special Flood
2615 Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width
2616 Drainage & Utilities Easement."

- 2617
2618
2619 14. Each lot shall contain at least 11,000 square feet, exclusive of the floodplain
2620 areas.
2621 15. The plat shall contain a statement that the common area is dedicated to the
2622 common use and enjoyment of the homeowners of Martin's Ridge and is not
2623 dedicated for use by the general public. This statement shall refer to the
2624 applicable article in the covenants recorded with the plat.
2625 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions
2626 for the maintenance of the common area by a homeowners association shall be
2627 submitted to the Department of Planning for review. Such covenants and
2628 restrictions shall be in a form and substance satisfactory to the County Attorney
2629 and shall be recorded prior to recordation of the subdivision plat.
2630 17. Prior to requesting recordation, the developer must furnish a letter from Virginia
2631 Dominion Power stating that this proposed development does not conflict with its
2632 facilities.
2633 18. The details for the landscaping to be provided within the 10-foot wide landscape
2634 strip easement along Holman Ridge Road shall be submitted to the Department of
2635 Planning for review and approval prior to recordation of the plat. Any lots with side
2636 or rear lot lines on Holman Ridge Road shall provide a 10-foot-wide landscape
2637 easement with no ingress and egress allowed to said road. Only Lots 21 and 22,
2638 Block A and Lots 24 and 25, Block B shall have direct access to Holman Ridge
2639 Road.
2640 19. A County standard sidewalk shall be constructed along the north and south side of
2641 Holman Ridge Road.
2642 20. The proffers approved as part of zoning case C-46C-07 shall be incorporated in
2643 this approval.
2644 21. All Best Management Practices (BMPs) constructed to meet water quality
2645 requirements of Henrico County shall be maintained as follows: The Homeowners
2646 Association shall be responsible for the short-term maintenance, such as routine
2647 grass cutting and litter pick-up. The long-term maintenance of BMPs shall be the
2648 responsibility of the Department of Public Works.
2649 22. Westward Place shall be redesigned so that a landscape easement is provided
2650 adjacent to Chappell Ridge at Wyndham Forest, Section 2.
2651 23. Lots #10 and #11, Block C, shall not be submitted for final approval or recorded
2652 unless a future amendment to the Major Thoroughfare Plan for this area deletes
2653 or alters the extension of Holman Ridge Road.
2654

2655 **APPROVAL OF MINUTES:** February 27, 2008 Minutes
2656

2657 Mrs. Jones - I have none.
2658

2659 Mr. Vanarsdall - I move we approve the minutes of February 27, 2008.
2660

2661 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
2662 favor say aye. All opposed say no. The ayes have it; the motion passes.

2663
2664 The Planning Commission approved the February 27, 2008 minutes as corrected.
2665
2666 Mr. Vanarsdall - If there's no further business, I move that we adjourn.
2667
2668 Mr. Archer - Second.
2669
2670 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. The
2671 meeting's adjourned.

2672
2673 On a Motion by Mr. Vanarsdall and seconded by Mr. Archer, the Planning Commission
2674 adjourned its March 26, 2008 meeting at 11:13 a.m.
2675
2676
2677

2678
2679 _____
E. Ray Jernigan, Chairperson

2680
2681
2682
2683
2684
2685 _____
2686 R. Joseph Emerson, Jr., Secretary