

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building in the Government
3 Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, November
4 19, 2003.

5

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

13

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

26

27 **Mr. Richard W. Glover, the Board of Supervisors Representative, abstains on all cases**
28 **unless otherwise noted.**

29

30 Mr. Jernigan - The Planning Commission will come to order. Good morning everyone.
31 Ladies and gentlemen, on behalf of the Planning Staff and Planning Commission we would like
32 to welcome you to our POD public hearing. For those of you who have not been here before I
33 will explain briefly how things work. As each case is called, I will ask if there is any
34 opposition to the case. If there is, just raise your hand and you will have an appropriate time to
35 speak. When you do speak, please come to the podium. These hearings are audibly taped and
36 you will have to be at the microphone for us to pick you up for the official record. If there is
37 opposition, the applicant will have 10 minutes to present a case and the opposition will have 10
38 minutes to speak against.

39

40 I would also like to welcome our Board of Supervisors Member, Mr. Glover, who sits with us.
41 With that, I will turn the meeting over to our secretary, Mr. Silber.

42

43 Mr. Silber - Thank you, Mr. Chairman. We do have a quorum. All members of the
44 Commission are present today. First item of business would be to take up those items that
45 have been requested for deferral or withdrawal. Mr. O'Kelly will be presenting those.

46 Mr. O'Kelly - Good morning, Mr. Chairman, ladies and gentlemen. This morning we
47 have actually four requests for deferrals. The first one is on page 8, POD-69-03, Long John
48 Silvers/A&W Restaurant.

49

50 **PLAN OF DEVELOPMENT**

51

POD-69-03
Long John Silvers/A&W
Restaurant
4615 Williamsburg Road

McKinney & Company for Ralph L. Bradley and Yum! Brands, 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, 2,860 square foot restaurant with drive-thru. The 1.927-acre site is located along the south line of Williamsburg Road (U.S. Route 60) approximately 200 feet west of Laburnum Avenue at 4615 Williamsburg Road on parcel 816-713-0978. The zoning is B-3, Business District and M-1, Light Industrial District. County water and sewer. **(Varina)**

52

53 Mr. O'Kelly - The applicant is requesting a deferral until December 17, 2003.

54

55 Mr. Jernigan - Is there any opposition to the deferral of POD-69-03, Long John
56 Silvers/A&W Restaurant? There is no opposition. With that, I will move for deferral of
57 POD-69-03, Long John Silvers/A&W Restaurant, to the December 17, 2003, meeting by
58 request of the applicant.

59

60 Mr. Vanarsdall - Second.

61

62 Mr. Jernigan - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
63 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

64

65 At the applicant's request, the Planning Commission deferred POD-69-03, Long John
66 Silvers/A&W Restaurant - 4615 Williamsburg Road, to its December 17, 2003, meeting.

67

68 **SUBDIVISION**

69

Camp Hill
(October 2003 Plan)

Foster & Miller, P.C. for Danny R. and C. J. Paxton, A. B. Harrelson and Atack Properties, Inc.: The 576-acre site proposed for a subdivision of 308 single-family homes is located generally along the north line of the intersection of New Market Road (State Route 5) and Long Bridge Road between Turner Road and Yahley Mill Road on parcels 833-686-7681 and 833-682-5297. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 308 Lots**

70

71

71 Mr. O'Kelly - The next request, ladies and gentlemen, is on Page 26. The applicant is
72 preparing a revised plan for staff review and they have requested a deferral until the December
73 17, 2003 meeting.

74

75 Mr. Jernigan - Is there any opposition to the deferral of Subdivision Camp Hill? All
76 right. There is no opposition, but before I do that, I have a few things to say. I have a lot to
77 say. This case, in case those of you that do not know, is right next to Camp Holly, which is a
78 spring where Diamond Springs Water comes from in Varina. This case has been around and
79 there have been different cases on property that adjoins this. There have been cases on this
80 property and everything so far has been denied. Now, the initial property, the Harrelson
81 property, two years ago I asked the owner if we could drill on that property, if Mr. Dowdy
82 could drill on that property, to find out exactly the depths of the aquifers, and he was OK with
83 it, but his lawyer denied it, so now two years later we are still in the same situation.

84

85 Now, I've met with all of the attorneys and everybody agrees that part of this property is
86 buildable, but we don't know exactly where it is, where the parting line is. Now, I spoke to
87 Lewis Walker, who is the representative, who is the representative from the Health
88 Department, and I've asked for help there, but they don't really have a geologist. I want an
89 unbiased, a non-partisan person to read the reports from both sides and see if they can give me
90 a decision as to where it is safe to build. I don't feel we can hold 469 acres hostage for the
91 rest of time, but we do want to protect the water. We do have to protect that. So I am going
92 to make two motions today. The first is going to be a deferral for the Camp Hill property and
93 the second is going to be a motion for the Planning Commission to receive help in reading the
94 geologists report from another state agency.

95

96 So, the first motion is that I will move for deferral of the Camp Hill Subdivision to December
97 17, 2003, at the applicant's request.

98

99 Mrs. Ware - Second.

100

101 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mrs. Ware. All in
102 favor say aye. All opposed say no. The ayes have it. The motion is passed.

103

104 At the applicant's request, the Planning Commission deferred Camp Hill Subdivision (October
105 2003 Plan), to its meeting on December 17, 2003.

106

107 Mr. Jernigan - I make a motion that the Health Department seek help for the Planning
108 Commission to decide where the building, safe building property on Camp Hill is. I would
109 suggest that through phone calls that I have made that we have three departments that have
110 geologists, one is the Department of Mines, Minerals and Energy in Charlottesville. The
111 department of DEQ and the State Water Control Board. I would make a motion that we
112 receive help from one of those agencies to contact the Planning Commission and give us some
113 help on these readings.

114

115 Mr. Glover - Mr. Chairman, could I ask you a question?

116 Mr. Jernigan - Yes, sir.
117
118 Mr. Glover - Have it been consulted with our County Attorney?
119
120 Mr. Jernigan - Yes, sir. I spoke to Mr. Rapisarda yesterday afternoon.
121
122 Mr. Glover - And did he notify us as to his feelings on it?
123
124 Mr. Jernigan - Did he notify the Board of Supervisors?
125
126 Mr. Glover - Anybody?
127
128 Mr. Jernigan - Mr. O'Kelly and Mr. Silber are aware of it.
129
130 Mr. Glover - OK, and it is acceptable?
131
132 Mr. Jernigan - Yes, sir.
133
134 Mr. Glover - It is a little unusual. I think I've been on it 20 years and I've never
135 heard of it. The Board of Supervisors would normally decide whether we need outside help or
136 not, not the Planning Commission, and if you would, I believe we are a little bit out of order
137 even, unless the County Attorney comes out and says we have the authority to do it as a
138 Planning Commission. I have no problem doing these things, but when you bring outside help
139 in for Land Use, we are, in my opinion, putting the legislative body, which is very little
140 legislative activity by a Board of Supervisors, I think we are putting that in somebody's else's
141 hands. I think the Board of Supervisors should be the one to bring about outside help. Now,
142 it may very well be that he has done that, Mr. Rapisarda, but he hasn't notified the Board of
143 Supervisors of any of this. Has he notified any of the other Planning Commissioners?
144
145 Mr. Jernigan - The Planning Commissioners are well aware of it, yes, sir.
146
147 Mr. Glover - No. Did Mr. Rapisarda notify?
148
149 Mr. Jernigan - Did he notify them? No, sir, I did.
150
151 Mr. Glover - Did the County Manager know? That is why I feel like probably any
152 outside contractual help you may want to recommend it to the Board of Supervisors, but I
153 don't believe you have the authority to go outside and hire someone or have someone come in,
154 and I understand why you want to do this, Mr. Chairman, but I think you are going beyond the
155 Board of Supervisor's authority that has been conveyed to the Planning Commission. So, with
156 that I am going to abstain with the right to bring my vote back at some point in time, or if I
157 have to vote with it, so that I can bring it back at some point in time, I will do that. Now, do
158 you have a legal position on that?
159
160 Mr. Jernigan - Well, let me explain to you, and I am sure you know why I did this.

161 Mr. Glover - I understand exactly. Mr. Chairman, you don't need to explain it, but I
162 don't think you have the right to go outside of the Board of Supervisors to obtain help for Land
163 Use in Henrico County, because you are taking some of that away from the Board. Now
164 maybe that is not correct. But I haven't been informed nor has the Planning Commission been
165 advised by the legal department other than your discussions with him, and it is up to the rest of
166 the Commission as to how they want to vote. But I want to protest it unless we get a word
167 from the Board of Supervisors.

168

169 Mr. Jernigan - Correct me if I am wrong. The Health Department is an agency of the
170 State.

171

172 Mr. Glover - It is a State agency and the Board of Supervisors reserves the right, I
173 believe, to bring outside help in on a land use issue.

174

175 Mr. Jernigan - Mr. O'Kelly, can we have Mr. Rapisarda? Would you see if he is in the
176 office?

177

178 Mr. Glover - I think you could recommend that the Board bring someone in. Is that
179 correct, Mr. Secretary?

180

181 Mr. Silber - Well, I think, Mr. Glover, we are treading on some new territory here as
182 you've indicated. I think what Mr. Jernigan is attempting to do is, he is put in a position, as is
183 the Planning Commission, to make a decision on a subdivision, and there are disagreements as
184 to the impact on this ground water system, and I think Mr. Jernigan is trying to find some
185 additional assistance to guide the Planning Commission. I understand where you are coming
186 from, and I share some of the same concerns because this is not a typical request to be made to
187 bring the State in to evaluate these type of situations. We can do a number of things at this
188 point. We could simply not request the State to become involved at this point, Mr. Jernigan,
189 and continue to have dialogue with our County Attorney and our County Manager's office to
190 determine how to move forward with this. I certainly think that by involving the State we may
191 or may not have things any clearer than they are right now. Or, we could....

192

193 Mr. Glover - Well, I also believe that the State Water Control Board could make a
194 recommendation, but the Board of Supervisors has the final say so until the General Assembly
195 takes that say so away from them, and I agree with Mr. Jernigan, with what he wants to do. I
196 just think that we are going to a point that we've never been before, and I think once you start
197 acquiescing to the State of Virginia for land use, I believe we are asking for the State of
198 Virginia to intrude into the business of Henrico County. Where we ask the State every year not
199 to do this, we are here as a Planning Commissioner asking them to do it. I think it is a signal
200 that is not good. I would ask that we recommend to the Board that they go outside, but not
201 recommend that we go outside. If the Board wants to go outside and ask for help outside, I
202 think it is OK. I think the Planning Commission is appointed to make decisions, not to
203 acquiesce those decisions to another body. Once you make your recommendation, then the
204 recommendation then can be challenged or it can stand, one of the two, but I don't believe that
205 the Commission has the authority to go outside and I would question, I'm not a lawyer, but I

206 would question why we would want to do that. So, if the Commission, Mr. Chairman, if you
207 would consider it, I would like for you to make a recommendation that the Board consider this,
208 because I believe there is a law suit involved coming here. I am not sure. And I think once
209 the Planning Commission interjects this part of the decision, I think we ought to just ask the
210 Board to do this.

211

212 Mr. Jernigan - Mr. Glover, that is one reason that I requested it, because it is a law suit
213 looking either way we vote and there is a possibility that it is going to come.

214

215 Mr. Glover - But I think that the Planning Commission doesn't go to court. It is the
216 Board of Supervisors that goes to court. And, therefore, if the Board of Supervisors is going
217 to be the one to be sued, because of a land use decision, then the Planning Commission
218 shouldn't step in and ask for some outside help. The Board should do that through their
219 County Attorney by decision that would be proposed by the County Manager, since he
220 manages this County. I just think we are out of order asking for help outside to come in and
221 make your decision. That is your job.

222

223 Mr. Jernigan - And I will say this, another reason I did this is Mr. Walker, who is our
224 representative from the Health Department, said that he needed official notification in order to
225 do this. But I understand where you are coming from.

226

227 Mr. Glover - And that comes from the Board of Supervisors, not from the Planning
228 Commission in my opinion.

229

230 Mr. Jernigan - OK, all right. Then I will change my motion.

231

232 Mr. Vanarsdall - Mr. Jernigan, we could go ahead and defer the case as requested
233 and that can be looked at later.

234

235 Mr. Jernigan - Well, we have deferred the case. OK.

236

237 Mr. Taylor - What we are saying is that should be enough because from here the staff
238 could take it and work it, and all we need to do is defer it.

239

240 Mr. Jernigan - All right.

241

242 Mrs. Ware - Didn't we already vote on it?

243

244 Mr. Silber - There was a motion and a second. Was there action taken?

245

246 Mr. Archer - Before we do that, might I just add that given all that we have just heard,
247 do you think a deferral to December 17, 2003 is long enough to consider that, or would we
248 have any more information between now and then to be able to make a decision?

249

250 Mr. Jernigan - Well, in our last meeting with Mr. Theobald, I requested 60 days and he

251 said we'd do 30, so we wanted to see what we could get done in that 30 days.

252

253 Mr. Archer - I was just curious as to whether or not by December 17 we would have
254 enough information.

255

256 Mr. Vanarsdall - The other option would be to go ahead and do 30 days as he
257 wanted and then on the 17th of December defer it again. You have the right then to do it
258 yourself.

259

260 Mr. Jernigan - All right. Why don't we do this? We voted on the deferral of Camp
261 Hill. It is in the record that we requested this and what I will do is get with our County
262 Attorney again and we just won't take anymore action today. But...

263

264 Mr. Glover- I think you need to withdraw it or vote on it, one of the two. Now I
265 think you should withdraw it, because you have deferred the case to give them an opportunity
266 to work this out and let the legal department do it and not the Planning Commission.

267

268 Mr. Jernigan - I withdraw my motion.

269

270 Mr. Silber - So there is a motion to defer this to December 17, 2003. There was a
271 second. Was there a vote on that?

272

273 Mr. Jernigan - I think we did, but we will vote on it again. All in favor of deferral say
274 aye. All opposed say no. The ayes have it. The motion is passed.

275

276 At the applicant's request, the Planning Commission deferred Subdivision Camp Hill (October
277 2003 Plan) to its meeting on December 17, 2003.

278

279 Mr. Jernigan - I withdraw my second motion.

280

281 **SUBDIVISION (Deferred from the October 22, 2003, Meeting)**

282

King's Reach
(October 2003 Plan)

Foster & Miller for Quarry Hill Estates, L.C. and Attack Properties, Inc.: The 101.744-acre site proposed for a subdivision of 80 single family homes is located approximately 800 feet south of Quarry Hill Lane at 5600 Pouncey Tract Road (State Route 271) on part of parcels 733-775-7627 and 733-777-4209. The zoning is A-1, Agricultural District. County water and septic tank/drainfield. **(Three Chopt) 80 Lots**

283

284 Mr. O'Kelly - The next request for deferral is on page 24. It's the King's Reach
285 subdivision. The applicant requests a deferral until the Commission's January 28, 2004,
286 meeting.

287 Mr. Jernigan - Is there any opposition to subdivision King' Reach (October 2003 Plan)

November 19, 2003

288 being deferred to the January 28, 2004, meeting? No opposition.

289

290 Mr. Taylor - There being no opposition, Mr. Chairman, I'll move to defer King's
291 Reach (October 2003 Plan) to January 28, 2004, by request of the applicant.

292

293 Mr. Vanarsdall - Second.

294

295 Mr. Jernigan - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
296 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

297

298 Mr. Silber - Next on the agenda would be items considered for the Expedited
299 Agenda.

300

301 Mr. O'Kelly - Excuse me, Mr. Secretary, we have another request for deferral that we
302 just learned about this morning. It's on page 23 of the agenda, Brookland Gardens.... I'm
303 sorry Purcell Manor.

304

305 **SUBDIVISION**

306

Purcell Manor
10200 Purcell Road
(October 2003 Plan)

**Koontz-Bryant, P.C. for Landin-Cole Construction
Development, LLC:** The 1.733-acre site proposed for a
subdivision of three, single-family homes is located on the west
side of Purcell Road approximately 50 feet south of Chariot
Street on parcel 770-763-7835. The zoning is R-3, One-Family
Residence District. County water and sewer. **(Brookland) 3
Lots**

307

308 Mr. O'Kelly - The applicant is requesting a deferral until the Planning Commission's
309 December 17, 2003, meeting.

310

311 Mr. Jernigan - Is there any opposition to the deferral of subdivision Purcell Manor
312 (October 2003 Plan)? There is no opposition.

313

314 Mr. Vanarsdall - Mr. O'Kelly, did something go wrong because staff was recommending
315 it for approval.

316

317 Mr. O'Kelly - There is a dispute between the applicant and the Department of Public
318 Works. They are requiring improvements to Purcell Road and they want some additional time
319 to look into that.

320

321 Mr. Vanarsdall - All right. I move that Purcell Manor be deferred for 30 days at the
322 applicant's request.

323

324 Mr. Taylor - Second.

325 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All

326 in favor say aye...all opposed say nay.

327

328 Mr. Glover - Mr. O'Kelly, could you tell me if this concern with Public Works....
329 Did Public Works attend the staff/development meeting? Did they send a decision maker there
330 or did they just send someone to take a message?

331

332 Mr. O'Kelly - To the best of my knowledge, Mr. Glover, they had a representative at
333 the meeting. Whether they were a decision maker or not, I can't answer that question.

334

335 Mr. Glover - All right. Three lots is awfully hard aren't they?

336

337 Mr. Silber - Would you have that information in the file, Dave, who was at the
338 meeting?

339

340 Mr. Glover - Were the plans marked up by Public Works when they reviewed the
341 plans? Were there remarks put on the plans when Public Works reviewed it?

342

343 Mr. O'Kelly - We had written comments from the Department of Public Works, Mr.
344 Glover, and the staff did make those annotations on the subdivision plan.

345

346 Mr. Glover - So, the developer must have disagreed with it and that's why you have
347 come to the Planning Commission with a deferral. Is that correct?

348

349 Mr. O'Kelly - That's correct.

350

351 Mr. Glover - Okay. That's all I have.

352

353 Mr. Vanarsdall - Let me ask you a question. I don't like being caught off guard like this
354 after going over it with the staff. Is the applicant here? And the only reason is a disagreement
355 between Public Works and the applicant.

356

357 Ms. Goggin - Excuse me. I'm the planner on the case and I apologize for stepping up
358 front. But, yes, there is a disagreement over whether certain improvements are required and
359 the applicant does not wish....

360

361 Mr. Vanarsdall - He's talking about the curb and gutter.

362

363 Ms. Goggin - Yes, sir. The applicant does not wish to install those but....

364

365 Mr. Vanarsdall - See, I thought that had been resolved since staff recommended
366 conditional approval subject to the annotations on the plan.

367

368 Mr. Glover - Did you give them an opportunity to escrow the funds for curb and
369 gutter? If not, one piece of land beyond Terry Drive is curb and gutter.

370 Mr. Vanarsdall - That's right.

371
372 Ms. Goggin - I would like to defer this to Michael Jennings with Public Works. His
373 department is the one that received the request.
374
375 Mr. Glover - Whose speaking, you didn't give your name?
376
377 Ms. Goggin - I'm sorry. I'm Christina Goggin, the planner on the case.
378
379 Mr. Glover - Okay. That's for the minutes.
380
381 Mr. Vanarsdall - You are right. There's nothing in the whole stretch of the road.
382
383 Mr. O'Kelly - Mr. Glover, we could pass this case by and try to get a representative
384 from Public Works here to answer your concerns.
385
386 Mr. Vanarsdall - That would suit me, Mr. O'Kelly.
387
388 Mr. Glover - When did the dispute come about? The case was filed when, in time?
389
390 Mr. O'Kelly - I'll have to look in the file, Mr. Glover.
391
392 Mr. Vanarsdall - Mr. Glover, it's been a week a two. The first time I talked to Ms.
393 Goggin, on the preliminary agenda, it was a problem then. They didn't want to do anything.
394
395 Mr. Glover - Okay. Go ahead and get Public Works to come down. Can we pass this
396 by? Is that okay, Mr. Chairman?
397
398 Mr. Jernigan - Yes, sir.
399
400 **THIS CASE WAS PASSED BY AND HEARD LATER DURING THE MEETING (SEE**
401 **PAGE 40 OF THESE MINUTES FOR THE REMAINDER OF THIS CASE)**
402
403 Mr. Jernigan - Okay, let's move on with the agenda, Mr. Silber.
404
405 Mr. Silber - Mr. O'Kelly, are there any more requests for deferrals and withdrawals?
406
407 Mr. O'Kelly - Not that staff is aware of.
408
409 Mr. Silber - Okay. Next on the agenda would be items considered under the
410 Expedited Agenda. These are items that are some of our smaller request. These are items that
411 have no outstanding issues. Staff is recommending approval of these requests and the Planning
412 Commission member from that district has no issues associated with it and the applicant is in
413 agreement with all of the conditions and expectations. There are a number of items on the
414 Expedited Agenda and will be taken up more quickly. Mr. O'Kelly, if you could review those
415 for us.

416

417 Mr. O'Kelly - The first request, Mr. Chairman, is on page 2 of your agenda. It is a
418 request for a transfer of approval.

419

420 **TRANSFER OF APPROVAL**

421

POD-122-74
Union Bank & Trust
Company -
1773 N. Parham Road

John C. Neal for Union Bank & Trust Company: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from Muhleman Associates Parham to Union Bank & Trust Company. The 0.97-acre site is located at the southeast corner of Parham and Three Chopt Roads on parcel 754-747-2519. The zoning is 0-2, Office District. County water and sewer. **(Three Chopt)**

422

423 Mr. Jernigan - Is there any opposition to transfer of approval POD-122-74, Union Bank
424 & Trust Company? No opposition.

425

426 Mr. Taylor - Mr. Chairman, there being no opposition, I'll move approval of a
427 transfer of approval for POD-122-74, Union Bank & Trust Company at 1773 N. Parham
428 Road, subject to the annotations on the plan, the standard conditions and condition No. 1 on
429 the agenda.

430

431 Mr. Vanarsdall - Second.

432

433 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All
434 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

435

436 The Planning Commission approved the transfer of approval request for POD-122-74, Union
437 Bank & Trust Company - 1773 N. Parham Road, subject to the new owners accepting and
438 agreeing to be responsible for continued compliance with the conditions for the original
439 approval, and the following additional condition:

440

441 1. The site deficiencies, as identified in the inspection report, dated **September 2, 2003**,
442 shall be corrected by **May 1, 2004**.

443

443 **TRANSFER OF APPROVAL**

444

POD-75-78
Country Place /Bayard Oaks
– E. Cedar Fork Road

VA Non Profit Housing Coalition for Bayard Oaks Richmond, LLC: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from Bayard Oaks Ltd. Housing to Bayard Oaks Richmond LLC. The 11.27-acre site is located on the east side of E. Cedar Fork Road, approximately 250 feet south of Cedar Fork Terrace on parcel 813-726-7018. The zoning is R-5, General Residence District. County water and sewer. **(Fairfield)**

445

446 Mr. Jernigan - Is there any opposition to transfer of approval POD-75-78, Country
447 Place/Bayard Oaks? No opposition.

448

449 Mr. Archer - Mr. Chairman, I move approval of this transfer of approval request,
450 subject to continued compliance and condition No. 1, POD-75-78, Country Place/Bayard
451 Oaks.

452

453 Mr. Vanarsdall - Second.

454

455 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All
456 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

457 The Planning Commission approved the transfer of approval request for POD-75-78, Country
458 Place/Bayard Oaks – E. Cedar Fork Road, subject to the new owners accepting and agreeing to
459 be responsible for continued compliance with the conditions for the original approval, and the
460 following additional condition:

461

462 1. The site improvements as identified in the letter to the Director of Planning dated
463 **April 2, 2002**, shall be completed upon final approval of the landscape and lighting
464 and site improvements plan.

465

466 **LANDSCAPE & LIGHTING PLAN**

467

LP/POD-73-99
Strange’s Florist

Ship & Wilson for Strange’s Florist Inc.: 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 10.76-acre site is located on the southwest corner of W. Broad Street (U.S. Route 250) and Gayton Road on parcel 733-764-4118. The zoning is B-3C, Business District (Conditional) and WBSO (West Broad Street Overlay) District. **(Three Chopt)**

468

469 Mr. Jernigan - Is there anyone in the audience in opposition to the landscape and
470 lighting plan for LP/POD-73-99, Strange’s Florist? There is no opposition.

471 Mr. Taylor - There being no opposition, Mr. Chairman, I move approval of LP/POD-
472 73-99, Strange's Florist, subject to the annotations on the plans and the standard conditions for
473 landscape and lighting plans.

474

475 Mr. Vanarsdall - Second.

476

477 Mr. Jernigan - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
478 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

479

480 The Planning Commission approved the landscape and lighting plan for LP/POD-73-99,
481 Strange's Florist, subject to the annotations on the plan and the standard conditions for
482 landscape and lighting plans.

483

484 Mr. O'Kelly - Mr. Chairman, staff learned of an additional request this morning and
485 it's on page 19 of your agenda. It's in the Brookland District, Brookland Garden Subdivision.

486

487 **SUBDIVISION**

488

Brookland Gardens
Additions

(Resubdivision of Block 17,
Lots 10-13 and 24, 25)
(November 2003 Plan)

**E. D. Lewis & Associates, P.C. for Hazel and Robert O.
Puryear, Jr.:** The 3.09-acre site proposed for a subdivision of
5 single-family homes is located at the southwest corner of
Eden Street and Cherrystone Avenue on parcels 774-755-8465,
9533, 9031, 9067 and 775-755-0634. The zoning is R-3, One-
Family Residence District. County water and sewer.
(Brookland) 5 Lots

489

490 Mr. Glover - When did the request come in for this to go on the Expedited Agenda
491 and by whom?

492

493 Mr. O'Kelly - Mr. Glover, the request was made by the applicant last Friday but we
494 hadn't had an opportunity to discuss it with the Brookland Planning Commissioner until
495 yesterday, I believe.

496

497 Mr. Vanarsdall - No, until this morning when I walked through the door. I rather not take
498 this on the Expedited Agenda. Let's take it in the order of the agenda.

499

500 Mr. O'Kelly - That's fine.

501

502 Mr. Vanarsdall - I learned about it when I walked through the double doors.

503

504 Mr. Glover - Why didn't you get in touch with them between Friday and Wednesday?

505

506 Mr. Vanarsdall - Mr. Wilhite said he couldn't get in touch with me. He couldn't get me
507 on the phone.

508

509 Mr. Glover - They couldn't. Hum. I'll get you a phone.

510

511 Mr. Jernigan - Thank you, Mr. O'Kelly.

512

513 **THIS CASE WAS TAKEN OFF THE EXPEDITED AGENDA AND WAS HEARD**
514 **LATER DURING THE MEETING (SEE PAGE 30 OF THE MINUTES FOR THE**
515 **REMAINDER OF THIS CASE)**

516

517 Mr. Jernigan - All right, Mr. Silber, what do we have next?

518

519 Mr. Silber - Next on the agenda we have the subdivision extension of approvals.
520 There are two requests for extension of conditional subdivision approval. Neither of these
521 requires Planning Commission action. They are for informational purposes only.

522

523 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

524

525 **FOR INFORMATIONAL PURPOSES ONLY**

526

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Thomas Mill (July 2002 Plan)	Varina	46	46	0	1 Year 11/17/04
Willow Bend (November 2002 Plan)	Three Chopt	88	88	0	1 Year 11/17/04

527

528 Mr. Glover exits during this time.

529

530 Mr. Jernigan - All right. There will be no action taken on these. Let's move on.

531

532 Mr. Silber - Next on the agenda would be the Church/Pump Road future land use
533 plan. As you recall, at the last Planning Commission meeting, or the Planning Commission
534 meeting on November 5, lengthy discussion took place at a public hearing on this matter. This
535 was deferred to this meeting this morning and it was up for decision only.

536

537 **TUCKAHOE/THREE CHOPT:**

538 *Deferred from the November 5, 2003 Meeting:*

539 **Church Road/Pump Road Future Land Use Plan:** The Planning Commission will consider
540 amendments to the 2010 Land Use Plan in the form of a new Land Use Plan for the Church
541 Road/Pump Road Study Area. The study area is generally comprised of the area surrounding
542 the existing intersection of Church Road and Pump Road. **(For Decision Only)**

543

544 Mrs. Ware - At this time, due to concerns of the surrounding residents and the
545 property owner regarding the southeast corner of Pump and Church, I would like to make a
546 motion to defer this case to the December 17, 2003, meeting.

547 Mr. Vanarsdall - Second.
548
549 Mr. Jernigan - And this will be for decision only. Will this be a public hearing or for
550 decision only?
551
552 Mrs. Ware - I guess we can leave it the way it is, decision only. There are going to
553 be some meetings with the residents to try to work through the issues. I don't know if there
554 will need to be any discussion at the meeting on the 17th but I would like to leave it open if
555 there is a need for that.
556
557 Mr. Jernigan - Okay, we will leave it open, then.
558
559 Mr. Vanarsdall - I think the way we left off where everything had been said and we just
560 had one item that we needed to take care of it, so.
561
562 Mrs. Ware - Right.
563
564 Mr. Silber - I think perhaps what we can do is leave it as decision only, but because
565 there is going to be a community meeting held, there are going to perhaps be some additional
566 positions taken by the County. We may want to offer for a very, short, limited period of time,
567 each side an opportunity to speak. I don't think it would be necessary to go all the way back
568 through the entire Public Hearing process.
569
570 Mrs. Ware - The general 10 minutes per side would be good.
571
572 Mr. Silber - Yes, that might be appropriate.
573
574 Mr. Vanarsdall - I second it.
575
576 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All
577 in favor say aye...all opposed say nay. The ayes have it. The motion is pass.
578
579 The Planning Commission deferred the Church Road/Pump Road Future Land Use Plan to its
580 December 17, 2003, meeting. Mr. Glover was absent.
581
582 Mr. Vanarsdall - Mr. Chairman, before we go any further, on a lighter side of the news to
583 show you the talent we have here. This pass Saturday in the SunTrust Marathon, we had three
584 members, with two members of the Commission and one member of the staff run it. Mrs.
585 Ware ran it in the five-mile run, Mr. Taylor ran it in the five-mile run and Mike Cooper ran it
586 in the 26-mile run and they all made it.
587
588 **THERE WAS A ROUND OF APPLAUDES FROM THE AUDIENCE.**
589
590 Mr. Jernigan - Mrs. Ware has been practicing running because she will be the
591 Chairperson next year.

592 Mr. Taylor - Mr. Vanarsdall, it might be interesting to realize the fact that the winner
593 ran that whole 26 miles in 2 hours and 15 minutes at an average speed of almost 13 miles an
594 hour.

595

596 Mr. Vanarsdall - I was wondering what kind of sneakers he was wearing.

597

598 Mr. Taylor - I would say, Mr. Vanarsdall, real good ones.

599

600 Mr. Vanarsdall - Could you imagine if a sneaker ever blew out on him. He would be in a
601 ditch and everything, wouldn't he. Has that ever happened to you, Mrs. Ware.

602

603 Mrs. Ware - No. I've never ran that fast.

604

605 Mr. Jernigan - They would have to call Geico, if he fell in the ditch.

606

607 Mr. Silber - Okay. Are we ready to move on with the agenda?

608

609 Mr. Jernigan - Oh, yes, we are ready, Mr. Silber. Let's move on.

610

611 Mr. Silber - This would start our regular agenda. The next item is on page 4.

612

613 **PLAN OF DEVELOPMENT**

614

POD-56-03

First Mennonite Church -
E. Parham Road & St.
Charles Road
(POD-35-99 Expired)

C. E. Duncan & Associates for First Mennonite Church:

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, 11,200 square foot church and a parking lot. The 5.912-acre site is located at the southeast corner of the intersection of E. Parham Road and St. Charles Road on parcel 788-758-9933. The zoning is R-2C, One-Family Residence District (Conditional). County water and sewer. **(Fairfield)**

615

616 Mr. Jernigan - Is there anyone in the audience in opposition to POD-56-03, First
617 Mennonite Church? No opposition. Mr. O'Kelly.

618

619 Mr. O'Kelly - Mr. Chairman, this plan of development is for the construction of a new
620 church and associated site improvements, including required parking. The exterior building
621 materials for the 11,200 square foot church includes brick, hardiplank siding and E.I.F.S. The
622 50-foot natural buffer is to be provided along the southern property boundary. All of these
623 components are in accordance with the proffers of the rezoning case for the property, which
624 was case C-22C-03. Last month the applicant received several variances from the Board of
625 Zoning Appeals. The first was to allow for a 15-foot reduction in the minimum lot width
626 requirement for a church in this zoning district. The second was to permit the required
627 parking in the front yard.

628 The plan before you today also reflects a revised method of satisfying Public Works

629 stormwater detention requirements. The applicant originally intended to use a BMP for those
630 purposes, however, that facility was going to be located to close to the Parham Road right-of-
631 way. The new plan calls for underground facilities to handle that requirement. In general, the
632 plan satisfies all of the staff concerns and comments at this time and the staff can recommend
633 approval of the plan. Mr. Duncan is here to represent the church, if you have any questions,
634 Mr. Chairman.

635

636 Mr. Jernigan - Are there any questions of Mr. O'Kelly by the Commission? Thank
637 you, Mr. O'Kelly. Mr. Archer, would you like to hear from the applicant?

638

639 Mr. Archer - Just briefly, Mr. Chairman, if I may.

640

641 Mr. Jernigan - Okay. Good morning. Would you state your name for the record,
642 please?

643

644 Mr. Duncan - Yes. It's Carl Duncan, C. E. Duncan & Associates.

645

646 Mr. Jernigan - Thank you.

647

648 Mr. Archer - Good morning, Mr. Duncan, how are you?

649

650 Mr. Duncan - Good morning, how are you?

651

652 Mr. Archer - I just want to ask a couple of things of you. This apparently has been
653 quite troublesome, especially onto the fact that you had to go to the BZA already. And, there
654 are quite a few annotations on the plan and I just want to make sure you don't have any
655 problems with being able to carry through with what's annotated here.

656

657 Mr. Duncan - We are in agreement with all of the staff's comments at this time.

658

659 Mr. Archer - That's all I have, unless somebody else has a question.

660

661 Mr. Jernigan - Thank you, Mr. Duncan.

662

663 Mr. Archer - Are you ready for a motion, Mr. Chairman?

664

665 Mr. Jernigan - Yes, sir, Mr. Archer.

666

667 Mr. Archer - Okay. Then I would move for approval of POD-56-03, First Mennonite
668 Church, subject to the standard conditions for developments of this type and the additional
669 conditions Nos. 23 through 31.

670

671 Mr. Vanarsdall - Second.

672

673 Mr. Jernigan - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.

674 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

675

676 The Planning Commission approved POD-56-03, First Mennonite Church – E. Parham Road
677 and St. Charles Road (POD-35-99 Expired) subject to the standard conditions attached to these
678 minutes for developments of this type, the annotations on the plans and the following additional
679 conditions. Mr. Glover was absent.

680

681 23. The easements for drainage and utilities as shown on approved plans shall be granted to
682 the County in a form acceptable to the County Attorney prior to any occupancy permits
683 being issued. The easement plats and any other required information shall be submitted
684 to the County Real Property Agent at least sixty (60) days prior to requesting
685 occupancy permits.

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

688 25. The proffers approved as a part of zoning case C-22C-03 shall be incorporated in this
689 approval.

690 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in
691 a form acceptable to the County Attorney prior to final approval of the construction
692 plans.

693 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
694 approved by the County Engineer prior to final approval of the construction plans by
695 the Department of Public Works.

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

698 29. Insurance Services Office (ISO) calculations must be included with the plans and
699 contracts and must be approved by the Department of Public Utilities prior to the
700 issuance of a building permit.

701 30. Approval of the construction plans by the Department of Public Works does not
702 establish the curb and gutter elevations along the Henrico County maintained right-of-
703 way. The elevations will be set by Henrico County.

704 31. The location of all existing and proposed utility and mechanical equipment (including
705 HVAC units, electric meters, junction and accessory boxes, transformers, and
706 generators) shall be identified on the landscape plans. All equipment shall be screened
707 by such measures as determined appropriate by the Director of Planning or the
708 Planning Commission at the time of plan approval.

709

709 **PLAN OF DEVELOPMENT**

710

POD-66-03
Walgreens @ Virginia
Center Station
(POD-52-03 Revised)
9801 Brook Road

VHB – Scott Chapman for Mid-Atlantic Commercial Properties, LLC: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 14,820 square foot retail pharmacy. The 1.92-acre site is located at the northeast corner of Brook Road (U. S. Route 1) and Virginia Center Parkway on parcel 783-767-9792. The zoning is M-1, Light Industrial District. County water and sewer. **(Fairfield)**

711

712 Mr. Jernigan - Is there any opposition to POD-66-03, Walgreens @ Virginia Center
713 Station? No opposition. Good morning, Mr. McGarry.

714

715 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission.

716

717 Mr. Jernigan - You may proceed.

718

719 Mr. McGarry - At the time of your agenda preparation, there were two outstanding
720 issues. The first issue had to do with water quality. The Department of Public Works is
721 satisfied now that the water quality is met. The second issue, the traffic engineer wants the
722 southern entrance into this site to align with a shopping centers rear entrance. The applicant is
723 not in agreement and will make his case with you for approval without that alignment. To
724 solve the problem, staff has come up with three potential options. The first would be to
725 approve the plan as submitted without the traffic engineer's blessings. The second option
726 would be to shift the whole site 23 feet to the north. It would eliminate two bays of parking on
727 the pharmacy site but the parking spaces would still meet the parking requirement. The
728 Planning Department is satisfied although Walgreens may not be. The third option would be to
729 close this entrance that's closest to Virginia Center Parkway and let the applicant use his other
730 two entrances to the north and northeast.

731

732 On your addendum you have two items and item No. 32 addresses the entrance and alignment
733 issue so that whatever the Commission votes... that addendum item asks the applicant to
734 relocate his entrance. If the Commission chooses something else, this condition would have to
735 be changed. And with that, staff would recommend either the second or the third option
736 subject to the standard conditions for developments of this type, additional conditions Nos. 23
737 through 30 and Nos. 31 and 32 on the addendum. I'll be happy to answer any questions.

738

739 Mr. Jernigan - Are there any questions from Mr. McGarry from the Commission?

740

741 Mr. Archer - Mr. McGarry, under option No. 2, how far did you say you would have
742 to shift the site?

743

744 Mr. McGarry - Twenty-three feet to the north.

745

746 Mr. Archer - To the north?
747

748 Mr. McGarry - Yes, sir. All of the parking and the building would just shift northward
749 and that would require the elimination of the two parking bays on the very northernmost
750 portion of the site, but it would still leave them with the minimum required parking.
751

752 Mr. Archer - Now, if the third option was chosen, what real affect would that have on
753 traffic flow?
754

755 Mr. McGarry - I would defer that question to the traffic engineer to see how he feels it
756 would impact traffic.
757

758 Mr. Archer - But it is buildable that way?
759

760 Mr. McGarry - From the traffic engineer's standpoint, I believe it is. That was one of
761 his suggestions for solving this issue.
762

763 Mr. Archer - All right.
764

765 Mr. Silber - Mr. McGarry, under option No. 2 if we do shift the site to the north it
766 looks as though we would be losing 13 parking spaces. You said that still meets the minimum
767 parking requirement.
768

769 Mr. McGarry - Yes, sir. The parking requirement is 60 and the site currently has 73
770 spaces on it, so if you reduce the 73 by 13 it will put you at our minimum of 60.
771

772 Mr. Silber - Okay.
773

774 Mr. Jernigan - Are there any more questions of Mr. McGarry? Thank you, Mr.
775 McGarry. Mr. Archer, would you like to hear from the applicant?
776

777 Mr. Archer - I think we kind of need to.
778

779 Mr. Jernigan - Good morning. Would you state your name please.
780

781 Mr. Chapman - Sure. My name is Scott Chapman and I'm with VHB. We are the civil
782 engineer for the client.
783

784 Mr. Jernigan - Thank you. You may proceed, sir.
785

786 Mr. Chapman - First off I want to make a few general notes about the site. The internal
787 drives are not County right-of-way. So, we are not entirely convinced that the County should
788 take issue with how we align our drives internally. We are not in violation of any County
789 Code. As I understand this is not written policy to align internal drives or private drives.
790 County staff has indicated that this is an opinion policy, that's the way I might state it, it is not

791 necessarily a written policy.

792

793 We also do not agree with one of the comments that traffic has made to me on a phone call that
794 this may be a safety issue. The traffic flow would move from the Walgreens through the
795 shopping center store. If you guys can look at the screen, you will notice that that it is the
796 back of a store on the shopping center development. That's a loading area (referring to screen)
797 and most likely those parking spaces are employee parking probably never to be used by
798 customers of that shopping center or to be used on an extremely limited bases. The chances of
799 the traffic moving from the Walgreens to the shopping center is minimal, at best. Our position
800 is that there would be very little incidents that would occur there because most traffic would
801 leave the Walgreens from that access point and turn left or turn right. They would not make a
802 through movement.

803

804 With respect to the options, moving our site to the north by 23 feet, number one, reduces
805 parking spaces. Now we are still meeting code but as everyone knows parking is vital to
806 retail. They always want to over park. They generally never intend to meet code, they intend
807 to meet a company standard, if you will, which is usually more stringent than the County and
808 local codes. Moving that site 23 feet north also impacts the loading area. North of that
809 building is our loading area for our deliveries to the store. Trash pick ups at the store. You
810 essentially render, I think, the ineffectiveness of that loading area by moving the store to the
811 north. We also believe the north entrance to that site would be the main access point to the site
812 from Brook Road. By moving that store 23 feet north, I think you would create a highly
813 congested area. Essentially, what you do is move one area that you think may become a traffic
814 problem or an accident prone area, to another area of the site. So, I don't think we are
815 necessarily solving that problem by moving the site.

816

817 Mr. Archer - Mr. Chapman, can you use the mouse there to sort of demonstrate what
818 this site shift would look like? Is there any way you can draw a square or something on there
819 what this site shift would look like. I'm just trying to get a picture of how this site would shift
820 it we shift it to the right a little bit. (Mr. Chapman makes the drawing on the screen) Thank
821 you. Did you all see that, by the way?

822

823 Mrs. Ware - Yes.

824

825 Mr. Vanarsdall - Yes. If you are satisfied, we are.

826

827 Mr. Chapman - I would like to make one more point. The northeast entrance to this site
828 has been designed for truck traffic deliveries. By moving that site 23 feet north you would
829 essentially be asking the truck drivers to almost turn into the building or into the pharmacy
830 area. It would essentially render that entrance ineffective. It would really limit our ability to
831 have tractor-trailer deliveries to this site.

832

833 Mr. Archer - Mr. Chapman, wasn't there also a discussion with the adjacent property
834 to try to get the driveway to line up? Can you tell us what happened with that?

835

836 Mr. Chapman - Mr. Archer, we went into negotiations to work out a resolution to allow
837 our entrances. Our clients spent some of their own resources to do this and we were unable to
838 come to a conclusion or an agreement with that adjacent shopping center.

839

840 Mr. Archer - Is that a totally dead issue or do you think....

841

842 Mr. Chapman - I think there is still some opportunity. We are still exploring that
843 internally, but I will tell you that they have told us, they have essentially told us no that that is
844 not going to happen. That doesn't mean that we still won't make efforts if we are unable to
845 convince you that our layout is the most appropriate layout. We will still continue those efforts
846 but I don't trust that it will be very successful.

847

848 Mr. Archer - All right.

849

850 Mr. Jernigan - Are there any more questions from the Commission of Mr. Chapman?

851

852 Mr. Archer - None from me, but I would like to hear from the traffic engineer.

853

854 Mr. Jennings - Good morning, Commissioners. I'm Mike Jennings, assistant traffic
855 engineer for the County. Using proper access measures and principals and good traffic
856 engineering, we recommend that the best alignment would be to align the two entrances up. In
857 doing so would avoid any conflicts with the adjacent road and would also get you farther away
858 from Virginia Center Parkway.

859

860 Mr. Archer - Mr. Jennings, in difference to Mr. Chapman's assertion that the rear
861 entrance to that other site would not be so much used for public traffic as it would be for
862 employee traffic, does that change your thinking in any way about this?

863

864 Mr. Jennings - Well, I agree that it wouldn't generate as much traffic as the rest of the
865 shopping center but it would still cause some conflict. There will be trucks using it and the
866 employees at least, if not, some people may cut around to get to Technology Boulevard too. It
867 wouldn't be generating a lot of traffic but we should still avoid as many conflicts as possible.

868

869 Mr. Archer - Okay. What about Mr. Chapman's last comment about the northeast
870 driveway that would be used for service traffic for them. Do you see that that could create a
871 problem if we had to move the site?

872

873 Mr. Jennings - Yes, sir, I do. I agree with them on that. If that is used for truck
874 delivery, and the other option is to eliminate that southern entrance too. That way they could
875 still utilize the two northern entrances. You wouldn't have the offset problem.

876

877 Mr. Archer - Okay, thank you, sir. Are there any questions of anyone else?

878

879 Mr. Silber - Mr. Archer, can I just clarify one point? Perhaps the statement that Mr.
880 Chapman made is not entirely true. He may reference that this is not necessarily an ordinance

881 but a County policy. I would like to remind the Planning Commission that the County does
882 have an ordinance referencing or dealing with plans of development. The POD ordinance does
883 require internal circulation and design that fosters and brings about safe access to sites. So, I
884 would question whether this is really a policy I would say that it is more of an ordinance from
885 the standpoint of safety design with an internal road and driveway.

886

887 Mr. Archer - I don't know if that helped a lot, but thanks.

888

889 Mr. Jernigan - Do you want to say something else, sir?

890

891 Mr. Chapman - Yes. With respect to closing off this entrance, if we eliminate this
892 southeast entrance what we feel will happen is you will have an excess amount of cars entering
893 the north entrance. And when you do that then you might create a congestion problem there.
894 This is one of our basis for our arguments, that by changing our site layout we believe you
895 essentially are going to take what is going to be a... what we believe may not be a problem to a
896 very, very minor problem and just moving that problem to a portion of the site that's going to
897 see a lot more traffic. So this second entrance would alleviate, will assist a lot of our internal
898 traffic flow. Thank you.

899

900 Mr. Archer - Thank you.

901

902 Mr. Jernigan - Thank you, Mr. Chapman.

903

904 Mr. Archer - Mr. Chairman, I'm just at this point not convinced that everything has
905 been done that can be done. Maybe, even to the point of me having a discussion with the
906 adjacent property owner to talk about the alignment that we initially thought would bring the
907 best result. I certainly don't want to be prohibitive and as everybody knows, that area out
908 there is becoming quite congested and I just don't know at this point in time what would be the
909 best thing to do to alleviate the traffic flow. Mr. McGarry, who would we talk to at the
910 shopping center site? Or, who could I talk to I should say.

911

912 Mr. McGarry - I can get you the name. Mr. Galligher I believe. Is that who you have
913 been meeting with (speaking to Mr. Chapman)?

914

915 Mr. Chapman - No, it's not Gary Galligher. I believe it's Mike Melton.

916

917 Mr. McGarry - He has since sold the property to.... So, Mr. Galliger has apparently
918 sold his interest in the shopping center.

919

920 Mr. Archer - Ted, do you think you and I could arrange a meeting with the applicant?

921

922 Mr. McGarry - Yes, we can.

923

924 Mr. Archer - I realize whatever decision we make here today is going to be the one
925 that is going to stand. I want to come as close as I can to make a decision that is not only

926 going to be good for both property owners but also for the safety of the people who would be
927 going there. And I certainly don't want to discount the concern that traffic has over this site. I
928 know you want to move with this, but I don't want to make you unhappy either. I might have
929 to end up doing that anyway. I'm going to defer this at the Commission's request and see if
930 you all can set up a meeting so we can get together with the adjacent property owner and
931 discuss this and maybe we can come to a reasonable resolution. I don't want to make a
932 decision today out of one of the three because, you know, it's like shooting fish into a barrel
933 right now. I don't know what the resolution is right now and I would like to hear all of the
934 sides of it.

935

936 Mr. Vanarsdall - I agree with you, Mr. Archer, and I'll second the motion.

937

938 Mr. Archer - All right. Then let's defer this to December 17.

939

940 Mr. Vanarsdall - Second.

941

942 Mr. Archer - And would you gentlemen try to see if you can get a meeting arranged
943 for us at the Planning Office with your adversary on the other site?

944

945 Mr. Chapman - Yes, sir.

946

947 Mr. Archer - All right. Thank you so much. Then I move to defer, at the
948 Commission's request, to December 17.

949

950 Mr. Vanarsdall - Second.

951

952 Mr. Jernigan - We have a motion to defer POD-66-03, Walgreens @ Virginia Center
953 Station, to December 17, 2003. The motion was made by Mr. Archer and seconded by Mr.
954 Vanarsdall. All in favor say aye...all opposed say nay. The ayes have it. The motion is
955 passed.

956

957 The Planning Commission deferred POD-66-03, Walgreens @ Virginia Center Station (POD-
958 52-03 Revised) 9801 Brook Road, to its December 17, 2003, meeting. Mr. Glover was
959 absent.

960

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

961

POD-68-03
Brook Run Shopping Center
Center – Parcel 4A
(POD-129-88 Revised)

Timmons Group for Tetra Associates, LLC: Request for approval of a revised plan of development and a transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code, to construct a one-story, 5,000 square foot office/retail building with three units. A reduction of the required 35-foot transitional buffer is requested. The 0.83-acre site is located approximately 1,100 feet north of Brook Run Drive and Brook Road (U.S. Route 1) (Brook Run Shopping Center) on parcel 783-748-5077 and 784-748-3728. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

962

963 Mr. Jernigan - Is there anyone in the audience in opposition to POD-68-03, Brook Run
964 Shopping Center – Parcel 4A? No opposition.

965

966 Mr. Kennedy - Good morning, members of the Commission.

967

968 Mr. Jernigan - Good morning, Mr. Kennedy, how are you?

969

970 Mr. Kennedy - A little under the weather, but I'm here. Brook Run Shopping Center
971 4A is an outparcel in the Brook Run Shopping Center. The original POD and master plan for
972 the shopping center was approved by the Planning Commission in 1988. A transitional buffer
973 deviation is requested to reduce a 35-foot-wide transitional buffer wall along Brook Road to 25
974 feet. This development will be the second outparcel developed on the northern portion of the
975 undeveloped portion of the shopping center site anchor on that portion of the site has been
976 identified.

977

978 The developer has submitted a revised master plan which is included in your package for this
979 shopping center consistent with the current zoning, ownership and environmental limitations on
980 this site. In addition, the developer has agreed to adopt according to development standards
981 consisted with both the quality of the existing developed portion of the site and with the Brook
982 Road Enhancement Study. The conditions to that affect have been added to the POD. The
983 developer has also agreed that all buildings developed in the shopping center will be
984 constructed of brick to match the existing shopping center. A conceptual plan is available to
985 you. Staff recommends approval of the transitional buffer deviation provided that the required
986 35-foot buffer along Brook Road should be reduced no less than 25 feet. And that planting
987 when the buffer would conform generally to the standards of the 25-foot transitional buffer or
988 otherwise approved by the Planning Commission at the time of landscape plan approval. In
989 addition, that as a condition of the transitional buffer deviation, a public sidewalk and
990 streetscape improvements conforming to the Brook Road Enhancement Study and such
991 guidelines be adopted by the Director of Planning shall be provided. Conditions to that affect
992 has also been added to the POD. Therefore, staff recommends approval of the plans subject
993 to the annotations on the plan, the standard conditions for shopping centers, standard

994 conditions Nos. 9 and 11 amended, and the additional conditions on the agenda. Please note
995 that a transcription error resulted in two numbers being assigned to a recommended condition.
996 Therefore, staff recommends No. 28 be deleted and condition No. 27 be revised with the
997 following words added to it “The easement shall be granted to the County prior to the issuance
998 of any occupancy permits,” which was previously shown as condition No. 28. These changes
999 have been added in the addendum. The developer is present and is available to answer any
1000 questions.

1001

1002 In addition, Ben Lacy, the agent for the owner for the anchor parcel, the 9-acre anchor parcel,
1003 which is undeveloped, has contacted the staff and has indicated support for the plan as
1004 conditioned.

1005

1006 Mr. Jernigan - Are there any questions for Mr. Kennedy by the Commission?

1007

1008 Mr. Archer - Mr. Kennedy, if we approve this it would require two motions, right,
1009 one for the transitional buffer deviation and one the case?

1010

1011 Mr. Kennedy - Yes, sir.

1012

1013 Mr. Archer - I would like to hear from the applicant, please.

1014

1015 Mr. Jernigan - Thank you, Mr. Kennedy. Good morning. State your name, please.

1016

1017 Mr. O'Brien - Good morning, Mr. Chairman, Mr. Archer, Mrs. Ware. My name is
1018 Tom O'Brien and I'm here representing The Tetra Company, which is the developer of Parcel
1019 - 4A and will be the developer of the balance of the undeveloped part of the Brook Road
1020 Shopping Center. I'm happy to answer any questions you may have.

1021

1022 Mr. Archer - Mr. O'Brien, we have had quite a few conversations about developing
1023 this piece of property over the last two or three years and to your credit, this is probably the
1024 best one that we have seen come along so far. Even to the point that staff can recommend
1025 approval. Adjacent to the north side of the shopping center, next to the American Family
1026 Fitness Center, there is a fence and it's a kind of a blocky fence, some times it runs parallel to
1027 it sometime perpendicular to Route 1 and it's got a couple of old rusty iron gates. Do you
1028 know where I'm talking about?

1029

1030 Mr. O'Brien - I believe that's on the parcel that's actually owned by the shopping
1031 center.

1032

1033 Mr. Archer - That's what I was going to ask are you going to abut any of that?

1034

1035 Mr. O'Brien - There is a parcel that was expanded by the American Family that they
1036 are going to be using to add parking and I believe it's on the parcel that's owned by....

1037

1037 Mr. Archer - There is a gate down there now and they do need the parking because it's
1038 always crowded down there, not that I go there, I was just over there reviewing the case. And
1039 for the benefit for anyone that may not know, this is a very historic area and the entire area on
1040 both sides has some historic significance, particularly the mansion that sits on the other side
1041 where the tollhouse is. And it would be and probably should be on the National Register
1042 except I think the family does not want to place it there for personal reasons at this time. So,
1043 we always want to make sure that we respect that property on both sides of the road. That's
1044 all I need to ask from you, sir. Thank you.

1045

1046 Mr. Jernigan - Are there any more questions for Mr. O'Brien from the Commission?
1047 Thank you, Mr. O'Brien.

1048

1049 Mr. Archer - All right. I think I'm ready, Mr. Chairman. First I would move to
1050 approve the transitional buffer deviation.

1051

1052 Mrs. Ware - Second.

1053

1054 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mrs. Ware for the
1055 transitional buffer deviation request. All in favor say aye...all opposed say nay. The ayes
1056 have it. The motion is passed.

1057

1058 Mr. Archer - And, secondly, I will move to approve POD-68-03, Brook Run Shopping
1059 Center - Parcel 4A, subject to the standard conditions for developments of this type, the
1060 annotations on the plan, Nos. 9 and 11 amended, and Nos. 23 through 47 and No. 28 deleted.

1061

1062 Mr. Vanarsdall - Second.

1063

1064 Mr. Jernigan - We have a motion by Mr. Archer and second by Mr. Vanarsdall. All in
1065 favor say aye...all opposed say nay. The ayes have it. The motion is passed.

1066

1067 The Planning Commission approved the transitional buffer deviation and case for POD-68-03,
1068 Brook Run Shopping Center - Parcel 4A (POD-129-88 Revised), subject to the standard
1069 conditions attached to these minutes for developments of this type, the annotations on the plan
1070 and the following additional conditions. Mr. Glover was absent.

1071

1072 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
1073 review and Planning Commission approval prior to the issuance of any occupancy
1074 permits.

1075 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
1076 of the site lighting equipment, a plan including depictions of light spread and intensity
1077 diagrams, and fixture specifications and mounting height details shall be submitted for
1078 Planning Office review and Planning Commission approval.

1079 23. Only retail business establishments permitted in a B-3 zone may be located in this center.

1080 24. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent
1081 of the total site area.

- 1082 25. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).
- 1083 26. The easements for drainage and utilities as shown on approved plans shall be granted to
1084 the County in a form acceptable to the County Attorney prior to any occupancy permits
1085 being issued. The easement plats and any other required information shall be submitted
1086 to the County Real Property Agent at least sixty (60) days prior to requesting
1087 occupancy permits.
- 1088 27. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
1089 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year
1090 floodplain must be labeled "Variable Width Drainage and Utility Easement." The
1091 easement shall be granted to the County prior to the issuance of any occupancy permits.
- 1092 28. The entrances and drainage facilities on Brook Road (U. S. Route 1) shall be approved
1093 by the Virginia Department of Transportation and the County. A notice of completion
1094 form, certifying that the requirements of the Virginia Department of Transportation
1095 entrances permit have been completed, shall be submitted to the Planning Office prior
1096 to any occupancy permits being issued.
- 1097 29. The developer shall provide fire hydrants as required by the Department of Public
1098 Utilities and Division of Fire.
- 1099 30. The proffers approved as a part of zoning case C-30C-88 shall be incorporated in this
1100 approval.
- 1101 31. Prior to issuance of a building permit, the developer must furnish a letter from
1102 **Dominion Virginia Power** stating that this proposed development does not conflict
1103 with their facilities.
- 1104 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1105 a form acceptable to the County Attorney prior to final approval of the construction
1106 plans.
- 1107 33. Deviations from County standards for pavement, curb or curb and gutter design shall be
1108 approved by the County Engineer prior to final approval of the construction plans by
1109 the Department of Public Works.
- 1110 34. Storm water retention, based on the 50-10 concept, shall be incorporated into the
1111 drainage plans.
- 1112 35. Insurance Services Office (ISO) calculations must be included with the plans and
1113 contracts and must be approved by the Department of Public Utilities prior to the
1114 issuance of a building permit.
- 1115 36. Approval of the construction plans by the Department of Public Works does not
1116 establish the curb and gutter elevations along the Henrico County maintained right-of-
1117 way. The elevations will be set by Henrico County.
- 1118 37. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1119 Planning Office and approved prior to issuance of a certificate of occupancy for this
1120 development.
- 1121 38. The conceptual master plan, as submitted with this application, is for planning and
1122 information purposes only. All subsequent detailed plans of development and
1123 construction plans needed to implement this conceptual plan shall be reviewed and
1124 approved by the Planning Commission and shall be subject to all regulations in effect at
1125 the time such subsequent plans are submitted for review/approval.
- 1126 39. The location of all existing and proposed utility and mechanical equipment (including

1127 HVAC units, electric meters, junction and accessory boxes, transformers, and
1128 generators) shall be identified on the landscape plans. All equipment shall be screened
1129 by such measures as determined appropriate by the Director of Planning or the
1130 Planning Commission at the time of plan approval.

1131 40. Landscaping along Brook Road, and site and street lighting shall comply with the Brook
1132 Road Design Guidelines or standards approved by the Director of Planning at the time
1133 of landscape and lighting plan review.

1134 41. A coordinated design scheme shall be adopted for all parcels being developed within the
1135 shopping center consistent with both the quality of the existing developed portion of
1136 shopping center and with the "Brook Road Enhancement Study". The buildings shall
1137 be constructed with brick coordinated to match the existing Ukrops building.

1138 42. A coordinated lighting, landscape and signage scheme shall be maintained for all
1139 parcels within the Brook Run shopping center.

1140 43. The required 35-foot transitional buffer along Brook Road may be reduced to no less
1141 than 25-feet. Planting within the transitional buffer along Brook Road shall conform to
1142 the planting standards of the 25-foot transitional buffer or as otherwise approved by the
1143 Planning Commission.

1144 44. As a condition of the transitional buffer deviation, a public sidewalk and streetscape
1145 improvements conforming to the Brook Road enhancement study and such guidelines as
1146 may be adopted by the Director of Planning shall be provided prior to the issuance of
1147 any occupancy permits.

1148 45. No additional freestanding signs shall be permitted within the shopping center.
1149

1150 Mr. Vanarsdall - Mr. Chairman, I have a request, if you don't mind.
1151

1152 Mr. Jernigan - Yes, sir.
1153

1154 Mr. Vanarsdall - I would like to go back to page 19 and that is the Brookland Gardens
1155 Additions that Mr. O'Kelly had recommended to put on the Expedited Agenda and I didn't
1156 know anything about it. Now that I know more about it, I would like to place it back on the
1157 Expedited Agenda and pass it on so that Mr. Puryear can go on home.
1158

1159 Mr. Jernigan - Okay.
1160

1161 Mr. Vanarsdall - Is that all right with everybody?
1162

1163 Commission - That okay.
1164

1165 Mr. Silber - So this would be the subdivision Brookland Gardens Addition on page
1166 19.
1167

1167 **SUBDIVISION**

1168

Brookland Gardens
Additions
(Resubdivision of Block 17,
Lots 10-13 and 24, 25)
(November 2003 Plan)

E. D. Lewis & Associates, P.C. for Hazel and Robert O. Puryear, Jr.: The 3.09-acre site proposed for a subdivision of 5 single-family homes is located at the southwest corner of Eden Street and Cherrystone Avenue on parcels 774-755-8465, 9533, 9031, 9067 and 775-755-0634. The zoning is R-3, One-Family Residence District. County water and sewer. **(Brookland) 5 Lots**

1169

1170 Mr. Jernigan - I asked this before, but I will ask again. Is there anyone in the audience
1171 in opposition to Brookland Gardens Additions subdivision. There is no opposition.

1172

1173 Mr. O'Kelly - The plan is in order for approval, Mr. Chairman.

1174

1175 Mr. Vanarsdall - Mr. Chairman and members of the Commission, I recommend
1176 Brookland Gardens Additions the resubdivision of Block 17, Lots 10-13 and 24 and 25
1177 (November 2003 Plan). I recommend that be approved on the Expedited Agenda as staff
1178 recommendation and with the annotations on the plan, and the standard conditions for
1179 subdivisions served by public utilities.

1180

1181 Mr. Taylor - Second.

1182

1183 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All
1184 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

1185

1186 The Planning Commission granted conditional approval to subdivision Brookland Gardens
1187 Additions (Resubdivision of Block 17, Lots 10-13 and 24, 25) (November 2003 Plan) subject
1188 to the standard conditions attached to these minutes for subdivisions served by public utilities
1189 and the annotations on the plans. Mr. Glover was absent.

1190

1191 **PLAN OF DEVELOPMENT**

1192

POD-58-03
Office/Warehouse @
Westwood Trail – Westwood
Avenue

Jordan Consulting Engineers, P.C. for Brandywine Dabney, LLC and Westwood 2190, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 37,500 square foot office/warehouse. The 4.611-acre site is located on the northeast corner of Westwood Avenue and Westwood Trail at 2190 Westwood Avenue on part of parcel 779-736-7015. The zoning is M-2, General Industrial District. County water and sewer. **(Brookland)**

1193

1194

1194 Mr. Jernigan - Is there anyone in the audience in opposition to POD-58-03,
1195 Office/Warehouse @ Westwood Trail? No opposition. Okay, Mr. Kennedy, you may
1196 proceed.

1197

1198 Mr. Kennedy - Mr. Chairman and members of the Commission, the proposed
1199 office/warehouse at Westwood Trail and Westwood Avenue would occupy part of an 18.95
1200 acre undeveloped parcel that fronts on Westwood Avenue. It extends along both sides of
1201 Westwood Trail, a private road, connecting to Tomlin Street in the Dabney Industrial Park,
1202 just north of I-95. The property borders on the east by the CSX Railroad yard and is divided
1203 by elevated sections of I-95 and by John's Creek. Three agencies previously requested
1204 schematic master plan for the entire property and DPU indicated that the developer would need
1205 to connect to a County water main located approximately 600 feet down on Westwood Avenue
1206 instead of to the City water main across the street.

1207

1208 DPU plans indicate that loop was required in the County system to properly serve the full
1209 development of this site. The developer has been discussing that issue with staff at a meeting
1210 yesterday and a resolution was reached where the developer has now agreed to enter into an
1211 agreement with DPU to connect to County water. At this time staff can recommend approval
1212 of the plan subject to the annotations on the plans, the standard conditions for plans of this
1213 type, the additional conditions on the agenda and the conditions listed on the addendum
1214 regarding the master plan where a master plan would be provided by the owner before any
1215 other parcel can be developed.

1216

1217 Mr. Jernigan - Are there any questions for Mr. Kennedy by the Commission? Thank
1218 you, Mr. Kennedy.

1219

1220 Mr. Vanarsdall - Mr. Chairman, I don't need to hear from the applicant, unless some of
1221 you do.

1222

1223 Mr. Jernigan - If you're okay, I'm okay.

1224

1225 Mr. Vanarsdall - I've talked to Malachi Mills, I've talked to Harvey Hinson, and
1226 everybody but Bob Porter, the realtor. And Mr. Kennedy worked on it and followed it very
1227 closely. And as he said, the real issue was the water. The water was in the middle of the
1228 street, on one side it was the City and the other side is the County. So, yesterday afternoon in
1229 a high-level meeting all agreed to what has been asked a month ago. So, with that, I
1230 recommend approval of POD-58-03, Office/Warehouse @ Westwood Trail on Westwood
1231 Avenue, with the annotations on the plans, the standard conditions for developments of this
1232 type, conditions Nos. 23 through 36 on the agenda and then No. 37 added from the addendum.

1233

1234 Mrs. Ware - Second.

1235

1236 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs. Ware. All
1237 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

1238

1239 The Planning Commission approved POD-58-03, Office/Warehouse @ Westwood Trail –
1240 Westwood Avenue, subject to the standard conditions attached to these minutes for
1241 developments of this type, the annotations on the plan and the following additional conditions.
1242 Mr. Glover was absent.

1243

1244 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1245 the County in a form acceptable to the County Attorney prior to any occupancy permits
1246 being issued. The easement plats and any other required information shall be submitted
1247 to the County Real Property Agent at least sixty (60) days prior to requesting
1248 occupancy permits.

1249 24. The limits and elevations of the 100-year frequency flood shall be conspicuously noted
1250 on the plan “Limits of 100 Year Floodplain.” In addition, the delineated 100-year
1251 floodplain must be labeled “Variable Width Drainage and Utility Easement.” The
1252 easement shall be granted to the County prior to the issuance of any occupancy permits.

1253 25. The entrances and drainage facilities on Westwood Avenue shall be approved by the
1254 Virginia Department of Transportation and the County.

1255 26. A notice of completion form, certifying that the requirements of the Virginia
1256 Department of Transportation entrances permit have been completed, shall be submitted
1257 to the Planning Office prior to any occupancy permits being issued.

1258 27. The developer shall provide fire hydrants as required by the Department of Public
1259 Utilities and Division of Fire.

1260 28. Prior to issuance of a building permit, the developer must furnish a letter from **Virginia**
1261 **Department of Transportation (VDOT)** stating that this proposed development does
1262 not conflict with their facilities.

1263 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1264 a form acceptable to the County Attorney prior to final approval of the construction
1265 plans.

1266 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
1267 approved by the County Engineer prior to final approval of the construction plans by
1268 the Department of Public Works.

1269 31. Storm water retention, based on the 50-10 concept, shall be incorporated into the
1270 drainage plans.

1271 32. Insurance Services Office (ISO) calculations must be included with the plans and
1272 contracts and must be approved by the Department of Public Utilities prior to the
1273 issuance of a building permit.

1274 33. Approval of the construction plans by the Department of Public Works does not
1275 establish the curb and gutter elevations along the Virginia Department of Transportation
1276 maintained right-of-way. The elevations will be set by the contractor and approved by
1277 the Virginia Department of Transportation.

1278 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1279 Planning Office and approved prior to issuance of a certificate of occupancy for this
1280 development.

1281 35. The conceptual master plan, as submitted with this application, is for planning and
1282 information purposes only. All subsequent detailed plans of development and
1283 construction plans needed to implement this conceptual plan shall be reviewed and

1284 approved by the Planning Commission and shall be subject to all regulations in effect at
1285 the time such subsequent plans are submitted for review/approval.
1286 36. The location of all existing and proposed utility and mechanical equipment (including
1287 HVAC units, electric meters, junction and accessory boxes, transformers, and
1288 generators) shall be identified on the landscape plans. All equipment shall be screened
1289 by such measures as determined appropriate by the Director of Planning or the
1290 Planning Commission at the time of plan approval.
1291 37. A master plan for the balance of the property owned by Brandywine Dabney, LLC shall
1292 be submitted to the Planning Office for review with any other plan of development
1293 proposed for the property. The master plan shall document adequacy of access; a
1294 methodology to address water quality and quantity impacts; and adequacy of sewer and
1295 water systems.

1296
1297 **SUBDIVISION (Deferred from the October 22, 2003, Meeting)**

1298
1299 Kingsridge RTH **Michael E. Doczi & Associates, PLLC for Kingsridge 200,**
(October 2003 Plan) **LLC:** The ~~6.34~~ 25.87-acre site proposed for a subdivision of
164 townhouses for sale is located on the west line of South
Laburnum Avenue between S. Laburnum Avenue and Dabbs
House Road, approximately 1,100 feet north of the intersection
of S. Laburnum and Nine Mile Road (State Route 33) on
parcels 809-726-1917 and 809-725-8954. The zoning is R-5,
General Residence District, R-2A, One-Family Residence
District and ASO (Airport Safety Overlay) District. County
water and sewer. **(Varina) 164 Lots**

1299
1300 Mr. Jernigan - Is there anyone in the audience in opposition to subdivision Kingsridge
1301 (October 2003 Plan)? No opposition. Good morning, Ms. News.

1302
1303 Ms. News - Good morning, Mr. Chairman and members of the Commission.
1304 Kingsridge is a proposed townhouse community located on a parcel of land which is bisected
1305 by Major Thoroughfare Plan Concept Road 140-2. Concept Road 140-2 which extends
1306 between Dabbs Road and N. Laburnum Avenue is required to be constructed by the applicant
1307 with this project. Fifty-one townhouse units would be located on the north side of the Concept
1308 Road, 133 units would be located on the south side.

1309
1310 Improvements to Dabbs House Road and E. Richmond Road where they abut the property,
1311 would be provided by the County pursuant to a previously approved Capital Improvements
1312 Project. The subject property was zoned R-5, General Residence District, in 1974 and is both
1313 unproffered and undeveloped. Staff has been working diligently with the developer to ensure
1314 quality development is provided and feels the developer has made great strides towards
1315 meeting this goal. The proposed development will result in the construction of 6.34 acres lots
1316 per acre while the R-5 District permits the construction of 12 townhouse lots or 14 multi-
1317 family dwelling units per acre.

1318

1319 The plan generally conforms with the County's multi-family design guidelines. The major
1320 thoroughfare setbacks are satisfied from adjoining streets. A minimum 25-foot perimeter
1321 buffer will be maintained or provided. All buildings will be connected by an internal sidewalk
1322 systems and sidewalks and pedestrian paths will be provided along one side of Concept Road
1323 140-2 and along Laburnum Avenue. Staff worked with the developer to reduce the number of
1324 units in each block of buildings.

1325

1326 Additionally, the developer and the builder have agreed to several enhancements to the design
1327 quality of the development including brick veneer foundations; provision of a minimum of one
1328 unit with a brick front in each building; provision of two double windows or one bay window
1329 on all end walls; white vinyl fencing in lieu behind the units; a jogging trail; enhanced
1330 community signage and enhanced landscaping. A regional stormwater management facility
1331 will be constructed on this site to serve both the proposed concept road and the townhouse
1332 development. This facility will consist of a shallow landscaped marsh.

1333

1334 In an effort, to insure that quality development is provided on this parcel, many details which
1335 are normally addressed during the POD phase of the project, have been agreed to up front in
1336 concept. A POD for the proposed townhouses will return to the Commission for approval at a
1337 later date. Staff appreciates the applicant's cooperation in providing an assurance at this time
1338 that the project will be developed in a manner to enhance the Laburnum Road corridor. With
1339 that said, staff recommends approval subject to the standard conditions for RTH subdivisions,
1340 served by public utilities, and additional condition No. 13 on the agenda. I'll be happy to
1341 answer any questions and the engineer is also present.

1342

1343 Mr. Jernigan - Are there any questions for Ms. News by the Commission?

1344

1345 Mr. Silber - Ms. News, the agenda says 6.34 acres, I think that seems to small. Do
1346 you have the acreage?

1347

1348 Ms. News - You are correct. The acreage is listed as 25.87 acres, the density is
1349 6.34.

1350

1351 Mr. Silber - Okay, thank you.

1352

1353 Mr. Jernigan - Thank you, Ms. News. I don't really need to hear from the developer
1354 on this, unless, Roy, you want to say something, but I want you to know I appreciate you
1355 going in and putting townhouses on property that's zoned for apartments. It shows that it will
1356 make things a whole lot better. You are putting in a concept road and you have been good to
1357 work with and staff appreciates it and I appreciate it. So with that, I will move for approval
1358 of Kingsridge Residential Townhouses subdivision subject to the standard conditions for
1359 residential townhouses served by public utilities and additional condition No. 13.

1360

1361 Mr. Taylor - Second.

1362

1362 Mr. Jernigan - We have a motion by Mr. Jernigan and second by Mr. Taylor. All in
1363 favor say aye...all opposed say nay. The ayes have it. The motion is passed.

1364

1365 The Planning Commission granted conditional approval subject to the standard conditions
1366 attached to these minutes for residential townhouses served by public utilities, the annotations
1367 on the plans and the following additional condition. Mr. Glover was absent.

1368

1369 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on
1370 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate
1371 floodplain as a "Variable Width Drainage & Utilities Easement."

1372

1373 **SUBDIVISION**

1374

Dominion Townes RTH
(November 2003 Plan)

Koontz-Bryant, P.C. for EJD Associates, Inc.: The 18.11-
acre site proposed for a subdivision of 137 townhouses for sale
is located on the east side of Creighton Road, 488 feet north of
Laburnum Avenue on part of parcel 809-729-7165 and 810-
728-3075. The zoning is RTHC, Residential Townhouse
District (Conditional) and ASO (Airport Overlay Safety)
District. County water and sewer. **(Fairfield) 137 Lots**

1375

1376 Mr. Jernigan - Is there anyone in the audience in opposition to subdivision Dominion
1377 Townes RTH? There's no opposition. Ms. News, you may proceed.

1378

1379 Ms. News - Dominion Townes is a proposed townhouse community located on the
1380 south east corner of Creighton Road and Laburnum Avenue. The subject property was
1381 recently rezoned by the Board of Supervisors as part of a mixed use development permitting
1382 both the proposed commercial and townhouse developments. PODs for the first two phases of
1383 the shopping center were approved by the Planning Commission at their August and September
1384 meetings.

1385

1386 The proposed townhouse community consist of 137 townhouse units. Nineteen (19) of the
1387 townhouses will have single car garages attached. A revised plan, which I will hand out to you
1388 now, addresses concerns expressed by the County Traffic Engineer regarding the provision of
1389 turn lanes on Creighton Road and internal circulation conflicts. In addition, the revised plan
1390 accommodates recreational vehicle parking requested by Planning within the Virginia Power
1391 Easement, subject to approval by Virginia Power.

1392

1393 The plan as proposed satisfies the applicable zoning requirements, proffers and multi-family
1394 design standards. A 35-foot-wide bermed, landscaped and fence buffer will be provided along
1395 Creighton Road to the north. A 25-foot-wide natural buffer will be maintained along the
1396 Mitchell Tree subdivision to the east. The southern property line would be buffered by an
1397 existing 100-foot-wide VA Power easement. In addition, a 35-foot landscape buffer will be
1398 provided along the western property line in conjunction with the proposed shopping center
1399 development.

1400 A POD for this phase would return to the Commission for approval at a later date.
1401 Conditional subdivision approval at this time will approve only the tentative layout plan. With
1402 that said, staff recommends approval of the revised plans subject to the standard conditions for
1403 RTH subdivisions served by public utilities, the conditions in the agenda and the additional
1404 condition in the addendum.

1405

1406 Mr. Jernigan - Are there any questions for Ms. News from the Commission?

1407

1408 Mr. Archer - Ms. News, with regard for approval for the parking of recreational
1409 vehicles in the VA Power easement, is that usually a problem?

1410

1411 Ms. News - Virginia Power will often approve parking in their easements. I know
1412 several County parks have parking in easements also.

1413

1414 Mr. Archer - Thank you, ma'am.

1415

1416 Mr. Jernigan - Are there any other questions for Ms. News? Thank you, Ms. News.
1417 Mr. Archer, do you need to hear from the applicant?

1418

1419 Mr. Archer - I don't believe so, Mr. Chairman. I think all of staff's concerns have
1420 been answered so I don't think there is no need for me to rehash them again. With that, I will
1421 move for approval of Dominion Townes Residential Townhouses subject to the annotations on
1422 the plan, the standard conditions for developments of this type, additional conditions Nos. 13
1423 and 14 and No. 15 that was added on the addendum.

1424

1425 Mrs. Ware - Second.

1426

1427 Mr. Jernigan - The motion was made by Mr. Archer and second by Mrs. Ware. All in
1428 favor say aye...all opposed say nay. The ayes have it. The motion is passed.

1429

1430 The Planning Commission granted conditional approval for subdivision Dominion Towne
1431 Residential Townhouses (November 2003 Plan) subject to the standard conditions attached to
1432 these minutes for residential townhouses served by public utilities, the annotations on the plans,
1433 and the following additional conditions Nos. 13 through 15. Mr. Glover and Mr. Vanarsdall
1434 were absent during this case.

1435

1436 **AT THIS TIME MR. SILBER STOPPED THE MEETING TO RECOGNIZE THE**
1437 **CHILDREN AND TEACHERS FROM HIGHLAND SPRINGS ELEMENTARY**
1438 **SCHOOL WHO CAME TO OBSERVE THE HENRICO COUNTY'S PLANNING**
1439 **COMMISSION IN ACTION.**

1440

1441 Mr. Silber - The Planning Commission may have noted that a lot of short people just
1442 arrived in the auditorium. Not all of them are short, excuse me. These are 5th graders I
1443 understand from Highland Springs Elementary School that are visiting the County government
1444 and they have been brought by to see the Planning Commission's Public Hearing in action.

1445 So, we welcome the students and parents and teachers from Highland Springs Elementary
1446 School and Mr. Condlin for involving them in this process.

1447

1448 Man with Kids - Mr. Secretary, we actually have only half of the class here. The other
1449 half is touring another part of the facility, so we will be interrupting one other time in about 10
1450 or 15 minutes as they switch. Just to let you know, if you don't mind doing this again when
1451 they come.

1452

1453 Mr. Silber - Certainly.

1454

1455 Mr. Archer - They are from Highland Springs you said?

1456

1457 Mr. Silber - Yes.

1458

1459 Mr. Archer - You all are in the Varina District and you are entitled to oppose anything
1460 that Mr. Jernigan brings up in that part of the County.

1461

1462 Mr. Silber - All right, let's see. I just lost my place. Are we on page 17?

1463

1464 Mr. Jernigan - Yes, we are on page 17.

1465

1466 Mr. Silber - Thank you very much.

1467

1468 **PLAN OF DEVELOPMENT**

1469

POD-70-03

Trinity Lutheran Church
2315 N. Parham Road

Koontz-Bryant, P.C. for Trinity Lutheran Church: 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, 7,414 square foot church addition and a parking lot. The 2.60-acre site is located at 2315 N. Parham Road at the southeast corner of the intersection of Parham Road and Lansdowne Road, on parcel 756-751-3532. The zoning is R-3, One-Family Residence District. **(Three Chopt)**

1470

1471 Mr. Jernigan - Is there anyone in the audience in opposition to POD-70-03, Trinity
1472 Lutheran Church? No opposition. Mr. O'Kelly, you may proceed.

1473

1474 Mr. O'Kelly - Thank you, Mr. Chairman. The church has been looking to expand for
1475 sometime and parking has been the issue. In February of this year the Board of Zoning
1476 Appeals approved a variance that would allow the church to use the adjacent office complex
1477 which is owned by Dr. Cemetas for overflow parking on Sundays when church services are
1478 held. The current plan is for a 7,414 square foot sanctuary addition. Staff initially had
1479 concerns for the location of the dumpster on the site. It was too close to storm drainage
1480 facilities. The applicant has agreed to move that. As well, staff had also requested that the
1481 applicant provide an additional sidewalk from the paved walkway to the western end of the row

1482 of parking proposed along the southern property line. Staff feels that this would direct
1483 pedestrian traffic to one location and will help to assure safety. The applicant has agreed to
1484 provide the sidewalk and the staff has annotated that on the plan.

1485

1486 Finally, revised architectural plans were provided to you this morning. These plans show the
1487 elevations for the carport and covered walkway, which were missing from the original
1488 submittal. As well, they clarify the exterior building materials and colors of the addition. The
1489 exterior of the addition will be comprised of mostly split-face, concrete masonry units to match
1490 the existing church. With the applicant addressing the staffs concerns and with the revised
1491 architectural renderings that have been provided, staff recommends approval of this plan. On
1492 page three of your addendum, we also have a recommended condition No. 32, which would
1493 provide for relief from improvements on Landsdowne Road, if the County Engineer agrees to
1494 that. Mr. Keith Scholten, representing the applicant, is here if the Commission have any
1495 questions.

1496

1497 Mr. Jernigan - Are there any questions of Mr. O’Kelly by the Commission.

1498

1499 Mr. Taylor - I don’t have any questions.

1500

1501 Mr. Jernigan - Thank you, Mr. O’Kelly. Mr. Taylor, would you like to hear from the
1502 applicant?

1503

1504 Mr. Taylor - Would the applicant like to comment? I really don’t really need to have
1505 the comments, but if he would like to comment, Mr. Chairman, I think we’d welcome him the
1506 opportunity to hear him.

1507

1508 Mr. Jernigan - Well, I doubt if he wants to comment. He’s opted not to come up here.

1509

1510 Mr. Taylor - All right, Mr. Chairman, then I will say that this has been a good
1511 product, a good project, I think and a lot of work and a lot of time has gone into this and I
1512 think is ready for the Commission. So, with that, I’ll move approval of POD-70-03, Trinity
1513 Lutheran Church....

1514

1515 Mr. Jernigan - We’ve got to waive the time limits first. Correct? The drawing came in,
1516 when, this morning?

1517

1518 Mr. O’Kelly - No, I don’t think that’s necessary, Mr. Chairman.

1519

1520 Mr. Jernigan - Did we have a second?

1521

1522 Mr. Taylor - No, I didn’t finish my motion.

1523

1524 Mr. Jernigan - Let me just apologize for interrupting.

1525

1526 Mr. Taylor - That’s quite all right, sir. We will just start all over again. I will move

1527 approval of POD-70-03, Trinity Lutheran Church – 2315 N. Parham Road, subject to the
1528 standard conditions for developments of this type and conditions Nos. 23 through 32 and the
1529 annotations on the plan.

1530

1531 Mrs. Ware - Second.

1532

1533 Mr. Jernigan - The motion was made by Mr. Taylor and second by Mrs. Ware. All in
1534 favor say aye...all opposed say nay. The ayes have it. The motion passes.

1535

1536 The Planning Commission approved POD-70-03, Trinity Lutheran Church – 2315 N. Parham
1537 Road, subject to the standard conditions attached to these minutes for developments of this
1538 type, the annotations on the plans and the following additional conditions. Mr. Glover was
1539 absent.

1540

1541 23. The easements for drainage and utilities as shown on approved plans shall be granted to
1542 the County in a form acceptable to the County Attorney prior to any occupancy permits
1543 being issued. The easement plats and any other required information shall be submitted
1544 to the County Real Property Agent at least sixty (60) days prior to requesting
1545 occupancy permits.

1546 24. The developer shall provide fire hydrants as required by the Department of Public
1547 Utilities and Division of Fire.

1548 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1549 a form acceptable to the County Attorney prior to final approval of the construction
1550 plans.

1551 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
1552 approved by the County Engineer prior to final approval of the construction plans by
1553 the Department of Public Works.

1554 27. Insurance Services Office (ISO) calculations must be included with the plans and
1555 contracts and must be approved by the Department of Public Utilities prior to the
1556 issuance of a building permit.

1557 28. Approval of the construction plans by the Department of Public Works does not
1558 establish the curb and gutter elevations along the Henrico County maintained right-of-
1559 way. The elevations will be set by Henrico County.

1560 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1561 Planning Office and approved prior to issuance of a certificate of occupancy for this
1562 development.

1563 30. The location of all existing and proposed utility and mechanical equipment (including
1564 HVAC units, electric meters, junction and accessory boxes, transformers, and
1565 generators) shall be identified on the landscape plans. All equipment shall be screened
1566 by such measures as determined appropriate by the Director of Planning or the
1567 Planning Commission at the time of plan approval.

1568 31. The administrative plan of development for the access road along the southern property
1569 line shall be approved prior to building permit approval.

1570 32. Road improvements for the northeast entrance and along Lansdowne Road shall be
1571 constructed as required unless a waiver is granted by the Director of Public Works.

1572 Mr. Vanarsdall - Mr. Chairman, could we go back to Purcell Manor on page 23. I went
1573 out and talked to the gentleman. I don't want to defer this case and Mr. Kennedy said we
1574 could put a condition on there that we can approve it today with the conditions. I would like
1575 for someone to word the condition. Lee Priestas said he would be glad to come to the mike
1576 and explain the curb and gutter.

1577

1578 Mr. Silber - So we are pulling Purcell Manor subdivision forward. There has been
1579 discussion, I take it, with the applicant's representative and staff has prepared or preparing a
1580 condition. Mr. O'Kelly, is that where we are?

1581

1582 Mr. O'Kelly - That's my understanding, Mr. Secretary. I'm not sure of the condition.
1583 Would the condition cover the curb and gutter?

1584

1585 **SUBDIVISION**

1586

Purcell Manor
10200 Purcell Road
(October 2003 Plan)

**Koontz-Bryant, P.C. for Landin-Cole Construction
Development, LLC:** The 1.733-acre site proposed for a
subdivision of three, single-family homes is located on the west
side of Purcell Road approximately 50 feet south of Chariot
Street on parcel 770-763-7835. The zoning is R-3, One-Family
Residence District. County water and sewer. **(Brookland) 3
Lots**

1587

1588 Mr. Vanarsdall - Mr. Kennedy, can you give us that condition?

1589

1590 Mr. Taylor - This would be condition No. 15?

1591

1592 Mr. Silber - Yes.

1593

1594 Mr. Vanarsdall - And while we are waiting to do that. I wasn't at my seat like I was
1595 supposed to be when y'all came in (speaking to the students from Highland Springs Elementary
1596 School). I'm very glad to see you and it's nice to have you. I hope you learn something. Are
1597 y'all that orderly in class? That's good if you are.

1598

1599 Mr. Jernigan - Are we going to have No. 15 read to us? What are we doing here?

1600

1601 Mr. O'Kelly - Yes, sir. Condition No. 15 would read: Curb and gutter shall be
1602 provided unless otherwise waived by the County Engineer prior to final approval of the
1603 subdivision.

1604

1605 Mr. Jernigan - Okay.

1606

1607 Mr. Vanarsdall - Is that all right with y'all?

1608

1609 Mr. Taylor - Yes, sir.

1610 Mr. Jernigan - Okay, Mr. Vanarsdall.
1611
1612 Mr. Vanarsdall - I can't repeat but what did you say? I mean I didn't write it down and I
1613 don't carry it around in my head.
1614
1615 Mr. Jernigan - Just put No. 15. He stated it for the record.
1616
1617 Mr. Silber - Mr. Vanarsdall, basically, what we are doing is requiring the curb and
1618 gutter unless it's otherwise waived by the County Engineer.
1619
1620 Mr. O'Kelly - At the time of final approval when more detailed information is
1621 provided.
1622
1623 Mr. Vanarsdall - I move that subdivision Purcell Manor be approved with the standard
1624 conditions for subdivisions served by public utilities, the annotations on the plan and additional
1625 conditions Nos. 12, 13 and 14 and we are going to add No. 15 where the curb and gutter be in
1626 place unless public works, the County Engineer, waives it, the curb and gutter. And I was
1627 wrong about one thing. I said there was a lot of curb and gutter on that road, across the street
1628 and so forth.
1629
1630 Mr. Archer - Second.
1631
1632 Mr. Jernigan - The motion was made by Mr. Vanarsdall and second by Mr. Archer.
1633 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.
1634
1635 The Planning Commission granted conditional approval to subdivision Purcell Manor (October
1636 2003 Plan) subject to the standard conditions attached to these minutes for subdivisions served
1637 by public utilities, the annotations on the plans and the following additional conditions. Mr.
1638 Glover was absent.
1639
1640 12. The detailed plant list and specifications for the landscaping to be provided within the 25-
1641 foot-wide planting strip easement along CSX Railroad shall be submitted to the Planning
1642 Office for review and approval prior to recordation of the plat.
1643 13. Any necessary offsite drainage easements must be obtained prior to approval of the
1644 construction plan by the Department of Public Works.
1645 14. Any future building lot containing a BMP, sediment basin or trap and located within the
1646 buildable area for a principal structure or accessory structure, may be developed with
1647 engineered fill. All material shall be deposited and compacted in accordance with the
1648 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
1649 professional engineer. A detailed engineering report shall be submitted for the review
1650 and approval by the Building Official prior to the issuance of a building permit on the
1651 affected lot. A copy of the report and recommendations shall be furnished to the
1652 Directors of Planning and Public Works.
1653 15. Curb and gutter shall be provided unless otherwise waived by the County Engineer prior
1654 to final subdivision approval.

1655 Mr. Vanarsdall - I appreciate Public Works time this morning, coming down. And, I
1656 know y'all learned an awfully lot listening to us (speaking to students). Your life is more
1657 enriched today.

1658

1659 **SUBDIVISION**

1660

Cedar Run
(November 2003 Plan)

Koontz-Bryant, P.C. for Cedar Fork Properties, L.C. and Loftis Real Estate & Development Inc.: The 67.683-acre site proposed for a subdivision of 132 single-family homes is located on the west side of Cedar Fork Road approximately 900 feet south of the intersection of Cedar Fork Road and Creighton Road on parcels 813-728-1795, 813-729-1810, 729-0099, 812-728-5668, 729-5529 and 729-4468. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **(Fairfield) 132 Lots**

1661

1662 Mr. Jernigan - Is there anyone in the audience in opposition to subdivision Cedar Run
1663 (November 2003 Plan)? There's no opposition. Good morning, Mr. Wilhite.

1664

1665 Mr. Wilhite - Good morning, Mr. Chairman, Commission members, and to everybody
1666 in the audience. At this point, you are being handed out a revised layout. Also on page 4 of
1667 your addendum there is a revised recommendation and additional condition. The zoning of this
1668 property occurred in September. There is currently a Major Thoroughfare Amendment that is
1669 going through the approval process. It's been before the Planning Commission and it is
1670 scheduled to be before the Board of Supervisors on November 25. This involves the
1671 elimination of Concept Road 140-3, which is the extension of Mitchell Tree Boulevard through
1672 this development to connect with Cedar Fork Road.

1673

1674 With that, staff has placed recommended condition No. 17 on your agenda that deals with the
1675 elimination of this road and the requirement for this subdivision to reflect the action of the
1676 Board of Supervisors on that amendment. The applicant has agreed to provide a 25-foot
1677 planting strip easement along Cedar Fork Road. This was proffered at 10 feet. Staff made the
1678 request because of existing utility easements that run along Cedar Fork Road. The revised
1679 plan that you have reflects a number of changes that staff requested. It does have revised lot
1680 design for the lots along Cedar Spring Court. It's also added a tot lot next to Lot No. 36, a
1681 picnic area next to the pond along Cedar Seed Run. It also reflects the 65-foot rear yard
1682 setback requirement for the lots that back up to Cedar Fork Road. Staff has also recommended
1683 that the two lots that actually side against Cedar Fork Road, try to meet the 65-foot
1684 requirement, if possible. Only 37 feet is required but we believe that the houses could be
1685 pushed farther back to get closer to the 65-foot requirement.

1686

1687 Staff had originally recommended that the applicant look into providing alleys on this
1688 development. There was a requirement for garages on 75% of the homes and 50% of those
1689 were to have either side or rear loaded garages. We had concerns over access off the street if
1690 the garages were provided in the rear. The applicant has decided not to go that route and

1691 provide alleys, but has provided staff some sketches on how those garages would be accessed
1692 and staff is okay with that. Staff can recommend approval of the revised layout with
1693 conditions that are shown, including No. 18 that's on your addendum that deals with the
1694 portion of reserve area for possible transfer to Mitchell Tree residents. I'll be happy to answer
1695 any questions that you would have.

1696

1697 Mr. Jernigan - Are there any questions from the Commission for Mr. Wilhite?

1698

1699 Mr. Archer - Mr. Wilhite, I don't have any questions, but could somebody put this up,
1700 please?

1701

1702 Mrs. Ware - Is that the garage?

1703

1704 Mr. Archer - Yes, it is. Well, not the garage but actually it's the access to the....

1705

1706 Mrs. Ware - The tot lot and the common area is that's under the power easement?

1707

1708 Mr. Archer - No. It's been moved.

1709

1710 Mr. Wilhite - Actually, the tot lot is going to be above the power easement. If you
1711 look at the plat next to the subdivision. It's at the very end of Cedar Spring Court. Let me
1712 point it out to you on the screen there. That's where the tot lot is (referring to screen). It is
1713 actually outside the wetlands. It's on the other side of the wetlands area.

1714

1715 Mrs. Ware - Thank you.

1716

1717 Mr. Jernigan - Are there any other questions of Mr. Wilhite by the Commission?

1718

1719 Mr. Archer - Mr. Chairman, I had asked that this drawing be put up so that the rest of
1720 the Commission members would have an idea of how access would be gained from the side
1721 and rear loading garages, and that's what you see on the screen in front of you now. And that
1722 is what Mr. Wilhite had talked about when he indicated that there was some discussion about
1723 providing alleyways that the applicant was not willing to do. It's something that we will
1724 probably have to look at sometime in the future. This does indicate that access can be gained,
1725 it's not to scale as Ms. Goggin has reminded me. I guess you would have to figure in your
1726 mind which yard do you want to mess up in terms of providing a driveway or a turnaround
1727 area, whether it's the front or the back. I think we all tend to think about Americana when kids
1728 used to play in the front yard and kids really don't do that too much anymore. They rather
1729 play in front of the computer or the TV. That's something that I think we need to consider
1730 from time to time when cases similar to this come up. We might want to consider how are we
1731 going to access garages because we are seeing a lot of questions being asked now about having
1732 side load and rear load garages. We need to be prepared to deal with that. So, I had asked if
1733 the applicant could provide us some drawing to give us an indication of how this access would
1734 be granted. So, that is what this is.

1735

1736 Unless somebody else has questions, I don't need to hear from the applicant. This case was
1737 not as easy as I think it could have been and I want to congratulate and thank Ms. Goggin for
1738 her hard work in the last two or three days to try to bring this to resolution. Some of the
1739 things that came out of her latest discussion have been the placement of the tot lot and the
1740 recreational area and having it delineated on the plan. We didn't have that before. The
1741 applicant worked us over the coals a little bit on this one, but we were able to resolve it I think
1742 to everybody's satisfaction. So, with that, unless somebody else has questions from the
1743 applicant, I don't have any need. So, with that, I will recommend subdivision Cedar Run
1744 subject to the annotations on the plan. Do we need to approve the new plan that was
1745 submitted? Was it in time?

1746

1747 Ms. Goggin - It made it in time.

1748

1749 Mr. Archer - All right. And subject to the new plan, the standard conditions for
1750 subdivisions served by public utilities, and additional conditions Nos. 11 through 17 and No.
1751 18 that was added on the addendum.

1752

1753 Mr. Taylor - Second.

1754

1755 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Taylor. All in
1756 favor say aye...all opposed say nay. The ayes have it. The motion is passed.

1757 The Planning Commission granted conditional approval to subdivision Cedar Run (November
1758 2003 Plan) subject to the standard conditions attached to these minutes for subdivisions served
1759 by public utilities, the annotations on the plan, and the following additional conditions. Mr.
1760 Glover was absent.

1761

1762 11. Prior to requesting recordation, the developer shall furnish a letter from Dominion
1763 Virginia Power stating that this proposed development does not conflict with its facilities.

1764 12. The detailed plant list and specifications for the landscaping to be provided within the 25-
1765 foot-wide planting strip easement along Cedar Fork Road shall be submitted to the
1766 Planning Office for review and approval prior to recordation of the plat.

1767 13. Any necessary offsite drainage easements must be obtained prior to approval of the
1768 construction plan by the Department of Public Works.

1769 14. The proffers approved as part of zoning cases C-71C-02 and C-40C-03 shall be
1770 incorporated in this approval.

1771 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
1772 the maintenance of the common area by a homeowners association shall be submitted to
1773 the Planning Office for review. Such covenants and restrictions shall be in form and
1774 substance satisfactory to the County Attorney and shall be recorded prior to recordation of
1775 the subdivision plat.

1776 16. Any future building lot containing a BMP, sediment basin or trap and located within the
1777 buildable area for a principal structure or accessory structure, may be developed with
1778 engineered fill. All material shall be deposited and compacted in accordance with the
1779 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
1780 professional engineer. A detailed engineering report shall be submitted for the review

1781 and approval by the Building Official prior to the issuance of a building permit on the
1782 affected lot. A copy of the report and recommendations shall be furnished to the
1783 Directors of Planning and Public Works.
1784 17. Proposed road network and building lots as shown on the conditional plan will be
1785 redesigned to reflect the Board of Supervisors' action on Major Thoroughfare
1786 Amendment.
1787 18. The area labeled "reserved area for potential dedication to Mitchell Tree residents," as
1788 shown on the conceptual plan referenced in proffer 21 of rezoning case C-40C-03, shall
1789 be reserved for potential dedication to the Mitchell Tree Homeowners abutting this
1790 area. In no event shall this area be part of the recreational area of the property unless
1791 otherwise approved by the Director of Planning.

1792

1793 **SUBDIVISION**

1794

Csiki's Acres
(November 2003 Plan)

Barthol Design Associates for W. J. Childress, Inc.: The 24.71-acre site proposed for a subdivision of 18 single-family homes is located along the western line of White Oak Road, approximately 800 feet north of the intersection of White Oak Road and Hurop Road on parcel 856-704-2988. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 18 Lots**

1795

1796 Mr. Jernigan - Is there anyone in the audience in opposition to subdivision Csiki's Acres
1797 (November 2003 Plan)? We have opposition. All right, Mr. O'Kelly, you may proceed.

1798

1799 Mr. O'Kelly - Thank you, Mr. Chairman. This plan purposes an 18-lot subdivision on
1800 an approximate 25 acre parcel located along White Oak Road near its intersection with
1801 Windsor Road. A revised plan was just presented to you. We did receive that last week so it
1802 would not be necessary to waive the time limit. This revised plan reflects changes that were
1803 recommended by the staff. The new plan provides right-of-way dedication along White Oak
1804 Road and a 50-foot right-of-way which is the minimum County requirement for all proposed
1805 roads without curb and gutter. As well, staff had concerns for the future development of
1806 surrounding parcels. In order to provide for future development of these parcels, the applicant
1807 has agreed to provide stub roads at the western property line, at the northern property line and
1808 at the southern property line of the proposed subdivision. These street extensions will satisfy
1809 staffs concerns with providing for future development of adjacent property. With the revised
1810 plan before you today, staff can recommend approval. The applicant's engineer is here to
1811 represent the developer, and I'll be happy to answer any questions.

1812

1813 Mr. Jernigan - Mr. O'Kelly, the stub streets, was that the hold up on it before? I know
1814 they didn't have them in the original plan.

1815

1816 Mr. O'Kelly - That's correct.

1817 Mr. Jernigan - Okay. Are there any questions for Mr. O'Kelly by Commission
1818 members? All right. Thank you, Mr. O'Kelly. I would like to hear from the applicant.

1819
1820 Mr. Faudale - Good morning. I'm Joe Faudale with Barthol Design Associates.
1821
1822 Mr. Jernigan - The neighbors from what I understand are not against the subdivision but
1823 they want to know the type of quality that's going to be in there. Can you tell us about that?
1824
1825 Mr. Faudale - Well, we are proposing one-acre lots so it's not like we are putting a
1826 whole bunch of houses in here and filling it up. I believe we are going to have a minimum of
1827 2000 square foot houses in there. There is a drainage issue as it stands on the property right
1828 now where some offsite drainage crosses over White Oak Road into the eastern portion of the
1829 property and we are planning to intercept that drainage problem with our stormsewer.
1830
1831 Mr. Jernigan - You said you were going to build 2000 square foot minimums?
1832
1833 Mr. Faudale - Yes.
1834
1835 Mr. Taylor - Mr. Chairman, can I ask a couple of questions? With the 2000 square
1836 foot minimums, what would be the average size on those lots?
1837
1838 Mr. Faudale - That I don't know right now.
1839
1840 Mr. Taylor - Do you have any kind of elevation drawings of what those buildings are
1841 going to look like or have you selected a type of model or a type of material that you might
1842 share with us?
1843
1844 Mr. Faudale - No, not right now. I will have to ask my client.
1845
1846 Mr. Taylor - So, you don't know, basically, whether they are going to be simple
1847 frame or brick or masonry or anything about the houses?
1848
1849 Mr. Faudale - Not as of now. I do know that there would be a tendency for brick
1850 because the owner is actually a bricklayer.
1851
1852 Mr. Archer - Is that a definite tendency?
1853
1854 Mr. Jernigan - I figured they would be, but anyway we want to bring it out. And that's
1855 2000 square foot living?
1856
1857 Mr. Faudale - Yes, sir.
1858
1859 Mr. Jernigan - Okay.
1860
1861 Mr. Taylor - This bricklayer, has he built houses before or is he going to hire a
1862 developer? Is he a registered contractor?
1863

1864 Mr. Faudale - Mr. Childress, yes, he is a registered contractor.
1865
1866 Mr. Taylor - With experience developing?
1867
1868 Mr. Faudale - Yes.
1869
1870 Mr. Jernigan - Yes. He's built some other subdivisions. He is a bricklayer but he also
1871 is a contractor. All right, are there any more questions for Mr. Faudale? Thank you. We
1872 have opposition. Steve, would you like to come up and speak?
1873
1874 Mr. Ingram - My name is Steve Ingram and I reside at 6346 White Oak Road, which
1875 sits at the southeast corner of this proposed development. I'm not against this. I can't be
1876 against or for something I haven't seen before. This is the first time I've seen this or anything
1877 associated with this. I would recommend anybody.... I'm not telling the County or any
1878 engineer or anything what to do but I wouldn't even be up here if he had just came to my
1879 house and showed me the layout. We do have a drainage problem. It's from across the street
1880 and, yes, it might be a natural flow now but it can get worse. I want to address to the County
1881 that, yes, I would like to see something done about the drainage. And, really, it needs to be
1882 taking care of all the way to White Oak Swamp. I've got pictures.... Now, I don't want to
1883 waste your time, I've got it on floppy disk, but it shows behind my house and this is not during
1884 the hurricane this is like three years ago with two inches of rain, I've got a river running
1885 behind my house. And that's what the County needs to address. I'm not going to waste your
1886 time with it but I would like for Public Works to approach me and I would really like to get a
1887 copy of this. I'm really excited about this 2000 square feet. That's bigger than my house.
1888 I'm living right at the corner of this. This is going to be a nice development. And what I've
1889 heard about Mr. Childress, he will do a good job. And I've seen some of the houses he has
1890 built and I was very impressed.
1891
1892 Mr. Silber - Mr. Ingram, let me speak to your drainage concern. This is a tentative
1893 or conditional subdivision that's being considered by the Planning Commission. When the
1894 developer begins to do more final engineering, they will be putting together construction plans
1895 that will more definitively address drainage issues. We do have staff in the Department of
1896 Public Works that are drainage engineers and they will be taking a look at all aspects of
1897 drainage when the subdivision is put to more detail. So, those issues should be addressed at
1898 that time. This simply is the process in which they consider a tentative conditional type of
1899 layout of the number of lots and where the roads would be. So, those drainage issues would
1900 be addressed.
1901
1902 Mr. Ingram - Well, I apologize. I probably should be sitting over here with the
1903 children, leaning how the government work, but that's my way of addressing my problems to
1904 the County and that was the only way I knew how to do it.
1905
1906 Mr. Silber - Absolutely, and we appreciate you coming in.
1907 Mr. Jernigan - And, Steve, we appreciate you coming up and I told you before that you
1908 could come and make an issue.... We know that there is a drainage problem but like Mr. Silber

1909 said, this is just a conditional subdivision approval and this means that the road layout and the
1910 lot layout is correct and then it has to go to all the other agencies, which it will go to the
1911 Department of Public Works before they can even receive a final. And they will have to show
1912 where the drainage will be taken care of. But, I appreciate you coming out.

1913

1914 Mr. Ingram - Okay. Thank you, very much.

1915

1916 Mr. Vanarsdall - Do you know how to get in touch with him?

1917

1918 Mr. Jernigan - Yes, I've got his number.

1919

1920 Mr. Taylor - Mr. Chairman, before we go on, it might be worth pointing out the
1921 assembled guest that we have from school. What this public meeting does in way of protecting
1922 the entire population from construction plans that may not be right. It serves in the long run to
1923 allow the public to have input to what is planned within the County so that we can see what
1924 type of buildings are built within the County and how our County develops.

1925

1926 Mr. Silber - This might be a good time just to welcome this group of children and
1927 teachers and perhaps parents. Again. I guess this is the second of two groups of fifth grader
1928 from the Highland Springs Elementary School. We want to welcome you to the Planning
1929 Commission meeting. To follow up to what Mr. Taylor was just indicating; this is called the
1930 Planning Commission, which is appointed by the Board of Supervisors. The Planning
1931 Commission's primary role is to look at proposed development and decide on the merits of that
1932 development in regards to ordinances and regulations that the County has adopted.

1933

1934 So, they look at subdivisions plans, proposed subdivisions, proposed street layouts. They look
1935 at any type of development for a shopping center or a gas station. They also will review at
1936 another meeting the appropriate locations for certain uses. That's called the rezoning process.
1937 So, they will determine and make recommendations to the Board of Supervisors on the
1938 location of certain uses in the County.

1939

1940 And they also wear another hat of being visionary planners in determining through the
1941 Comprehensive Planning Process, the Land Use Planning, where uses should generally be
1942 located in the County. So, they have a large responsibility and overall general planning for
1943 Henrico County. But, we do welcome all of you children to this process.

1944

1945 I will also point out, and I didn't to the last group, but there is a proposed park that is planned
1946 next to the Highland Springs Elementary School. It will come up before the Board of
1947 Supervisors this coming Tuesday. The proposed park is called the Highland Springs Park. It's
1948 about 26 acres that planned. It's adjacent to your elementary school. There is no funding to
1949 do that park at this time, but the master plan for that is taking place so there will be some
1950 parking and some trails and preservation of the Civil War Earth Works that runs through that
1951 property so at some point in time, maybe a few years from now, there will be a park next to
1952 that school. I just wanted to share that with you as well.

1953

1954 Mr. Jernigan - All right. Thank you, Mr. Silber. Now we need to take a vote on
1955 Csiki's Acres. I make a motion to approve subdivision Csiki's Acres (November 2003 Plan)
1956 with the standard conditions for subdivisions not served by public utilities and the following
1957 additional conditions Nos. 11 and 12.

1958

1959 Mr. Vanarsdall - Second.

1960

1961 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All
1962 in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

1963 The Planning Commission granted conditional approval of subdivision Csiki's Acres
1964 (November 2003 Plan) subject to the standard conditions attached to these minutes for
1965 subdivision not served by public utilities, the annotations on the plan and the following
1966 additional conditions. Mr. Glover was absent.

1967

1968 11. Each lot shall contain at least 1 acre.

1969 12. Any necessary offsite drainage easements must be obtained prior to approval of the
1970 construction plan by the Department of Public Works.

1971

1972 **SUBDIVISION**

1973

Westover Pines RTH
(June 2002 Plan)

Schmidt & Associates for Westover Pines, L.L.C.: The
3.895-acre site proposed for a subdivision of 35 townhouses for
sale is located on the west side of Westover Avenue,
approximately 125 feet north of Third Street Extended on
parcel 802-731-5453. The zoning is RTH, Residential
Townhouse District. County water and sewer. **(Varina) 35
Lots**

1974

1975 Mr. Jernigan - Is there anyone in the audience in opposition to subdivision Westover
1976 Pines RTH? No opposition. Mr. Wilhite, you may proceed.

1977

1978 Mr. Wilhite - This property was rezoned for residential townhouses back in 1985. We
1979 have already had two subdivisions and the accompanying PODs approved for townhouse
1980 development in 1988 and 1990 both of those projects were not constructed. You have received
1981 a layout plan, handed out to you. This is not a revised plan but it does have revised
1982 annotations on it. In addition, staff has received some comments from the property owner
1983 directly across Westover Avenue. Mr. Henderson expressed some concern about the quality of
1984 building and the compatibility with the neighborhood for this project.

1985

1986 We have spoken to the applicant about the quality of the townhouses to be constructed here.
1987 Although, the POD is not before you right now and the architectural plans which accompany
1988 that is not before you. We have been attempting to try to get some quality built into or decided
1989 up front with the approval of this subdivision plan. We have annotated the plan to ask that the
1990 applicant split up the larger groupings of units. The rows of eight and seven townhouses are
1991 shown on the map. Break those downs to groupings of three and four. As the revised handout

1992 before you show, we have asked them to provide brick on the side of the wall of Block A, Lot
1993 1 facing Westover Avenue. Provide brick on the front of every forth building of the houses,
1994 especially those visible from Westover as well and also provide bay windows at the end of the
1995 townhouses.

1996

1997 At this point, we have not gotten confirmation from the applicant that they are willing to do
1998 this. Either provide the architectural elements that staff recommends or to split the units. The
1999 applicant is here and can address those questions. Staff's recommendation is based on those
2000 requirements.

2001

2002 Mr. Jernigan - Are there any questions for Mr. Wilhite from the Commission? I think I
2003 would like to hear from the applicant, Mr. Wilhite. Thank you.

2004

2005 Mr. Schmidt - Good morning. My name is William Schmidt and I am the engineer for
2006 the developers.

2007

2008 Mr. Jernigan - Mr. Schmidt, the changes that Mr. Wilhite just read, are you in
2009 agreement with those?

2010

2011 Mr. Schmidt - Generally, yes. I have not been able to contact the perspective builder
2012 on it. It came up at the eleventh hour last night. However, seeing what's been going on, I
2013 don't see where putting the brick on the building will be a problem.

2014

2015 Mr. Jernigan - And splitting the building?

2016

2017 Mr. Schmidt - That is a problem.

2018

2019 Mr. Jernigan - Okay. I'll tell you.... This property was zoned in 1985 as residential
2020 townhouses.

2021

2022 Mr. Schmidt - Correct.

2023

2024 Mr. Jernigan - I feel that was incorrect. I really don't think they should stick all these
2025 townhouses right in a residential section.

2026

2027 Mr. Schmidt - Well, it's on the opposite side of the major residential area, as you can
2028 see.

2029

2030 Mr. Jernigan - Well, yeah, but they are right across the street. Now that's the Walter's
2031 property that's behind it, next to you?

2032

2033 Mr. Schmidt - I don't know.

2034

2035 Mr. Jernigan - I know that... I would have rather seen this.... As a matter fact, I told
2036 Mr. Marlles, our Planning Director, I would have liked to have set up a meeting with Sony

2037 Bertozzi, at some time to discuss the zoning on this case. But, as we know Sonny died
2038 unexpectedly.

2039

2040 Mr. Schmidt - Correct.

2041

2042 Mr. Jernigan - I know that, apparently, this is what we are going to have, it's going to
2043 be townhomes, but I want the most quality that I can get out here and I want to protect the
2044 other citizens that are close by. We have them next door and across the street. Now. I need
2045 for you to commit to these changes. If you did not get in contact with him, I'll defer this case
2046 until we can discuss this.

2047 Mr. Schmidt - Oh I've contacted the neighbors at length.

2048

2049 Mr. Jernigan - I know you contacted the neighbors but I'm talking about the developer,
2050 the builder, about splitting these units and about putting brick on every fourth unit.

2051

2052 Mr. Schmidt - Well, the brick I can agree with. That I don't have that much of a
2053 problem with even with conversations with the Planning Office in what's coming about.
2054 However, splitting the units is a problem. No. 1. I've had tentative agreement on this plan,
2055 with the man to the left, to stay as far away as possible. If you look at the back end where the
2056 number 7.598 acres is, I'd like to keep that over and if I split it that means I shove to the right
2057 and the buffer almost disappears. And my impression is that it is better off to have more green
2058 space than break up the units because they are behind everything.

2059

2060 Mr. Silber - Mr. Schmidt, I think the staff's recommendation for this is fairly
2061 common when it comes to townhouses. We try not to see a long stream of townhouses. We
2062 think that doesn't bring about necessarily the best quality development you can have in a
2063 townhouse project. I understand what you are saying but I think at the same time there are
2064 several blocks of units here. It looks like there are two at eight units attached. There are
2065 several and maybe one with seven. We are just looking at some options and trying to split
2066 some of those. I don't, Mr. Jernigan, if this needs more time to look at those. There may be a
2067 way of working this out so that we can still maintain some of the buffers you have concerns
2068 about. We are still trying to achieve somewhat of breaking up of these segments.

2069

2070 Mr. Schmidt - If you look at the one directly behind the existing residence, the design,
2071 Westover, we are trying to leave as many trees behind it as possible so it's going to be
2072 virtually impossible to see it from the road. It won't give the aura of a row house, which in
2073 some instances it is not that bad. My preference is to have the green space around it and not
2074 split them.

2075

2076 Mr. Silber - Do you think if you had more time to work with staff and the
2077 administration on this there may be some ways of splitting some and still preserving some of
2078 the buffer areas?

2079

2080 Mr. Schmidt - Well, the second problem... If the roadway coming perpendicular from
2081 Westover, you see down the middle, it is split at the seventh unit. There is a drainage way we

2082 are proposing through there to drain the back area to here. The problem we are facing is this
2083 area is fairly flat, and the stormsewer that goes under Westover was put in a foot too high by
2084 the County. How it happen, I don't know. But, we have to use that elevation and back track
2085 and find the best layout we possibly can to utilize the drainage ways. And that's why the seven
2086 units up front yields best.

2087

2088 Mr. Vanarsdall - Mr. Chairman, if you don't feel comfortable with this, I would entertain
2089 the idea of deferring it to whatever time you want too. It sounds like you have a problem.

2090

2091 Mr. Jernigan - Well, I know, like said, unfortunately the property is zoned the way it
2092 zoned. Mr. Schmidt, I'm going to defer this for 30 days because I want to get with you and
2093 talk about it a little more and staff told me that you are a nice guy and you are easy to work
2094 with. We didn't discuss this before.

2095

2096 Mr. Schmidt - No.

2097

2098 Mr. Jernigan - And I wished we had because I would have liked to clear up a few
2099 things. So, what I'm going to do, I'm going to ask for a 30-day deferral, and I'm going to get
2100 with you and we are going to see if we can work this out, and get with the builder. Let's work
2101 this thing out so that it is ready to go. Okay?

2102

2103 Mr. Schmidt - Okay.

2104

2105 Mr. Jernigan - Thank you. With that, I will move for deferral of subdivision Westover
2106 Pines (June 2002 Plan) to December 17, 2003, by the Commission's request.

2107

2108 Mr. Vanarsdall - Second.

2109

2110 Mr. Jernigan - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
2111 All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.

2112

2113 The Planning Commission deferred subdivision Westover Pines (June 2002 Plan) to its
2114 December 17, 2003, meeting. Mr. Glover was absent.

2115

2116 **LANDSCAPE & LIGHTING PLAN (Deferred from the October 22, 2003, Meeting)**

2117

LP/POD-27-03

Chipotle Mexican Grill

Barnes & Grogan for Chipotle Mexican Restaurant: 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 1.44-acre site is located along the south line of W. Broad Street (U.S. Route 250) approximately 850 feet east of Cox Road on parcel 749-759-5776. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

2118 Mr. Jernigan - Is there anyone in the audience in opposition to the landscape and
2119 lighting plan for LP/POD-27-03, Chipotle Mexican Grill? No opposition. Mr. Strauss, how

2120 are you this morning?

2121

2122 Mr. Strauss - Beunas Dias, Senor Chairman.

2123

2124 Mr. Jernigan - You may proceed, sir.

2125

2126 Mr. Strauss - This landscape plan was deferred at our last meeting to allow the
2127 applicant time to prepare revisions to the plans and make some adjustments to the location and
2128 quantity of trees after discussion with the Summit Shopping Center owner. The adjustments
2129 have been made and they appear on the plan that we are handing out this morning. Staff is
2130 satisfied with this revised plan, although we did annotate the plant schedule, and we can
2131 recommend approval.

2132

2133 You will see on the plant schedule that we have annotated the Thornless Honey Locust, for a
2134 minimum 3-inch caliber, we thought that was best for these trees along the streetscape along
2135 W. Broad Street. This is not a West Broad Street Overlay district case. West Broad Street
2136 Overlay starts farther to the west. This is a 30-foot "non-transitional buffer" and there is some
2137 latitude in evaluating that and the applicant was in agreement to allow us to make that
2138 annotation. So, with that, staff is recommending approval of this annotated plan in accordance
2139 with the standard conditions for landscape and lighting plans and I'll be happy to answer any
2140 questions you may have.

2141

2142 Mr. Jernigan - Are there any questions of Mr. Strauss by the Commission?

2143

2144 Mr. Taylor - Mr. Chairman, I just want to check. Is that the way to pronounce it? It
2145 is "Chapotlee," "Chapotlee," or Chipotle?"

2146

2147 Mr. Strauss - It's "Chi- poh- lee."

2148

2149 Mr. Taylor - Okay. I'm satisfied, Mr. Chairman.

2150

2151 Mr. Jernigan - Thank you, Mr. Strauss.

2152

2153 Mr. Archer - Mui Beuno Amigo.

2154

2155 Mr. Strauss - Adios.

2156

2157 Mr. Taylor - Hasta Luego. With that, Mr. Chairman, I move approval of LP/POD-
2158 27-03, Chipotle Mexican Grill, subject to the annotations on the plan, the standard conditions
2159 for developments of this type, and the recommendations by staff.

2160

2161 Mr. Jernigan - Did you say transitional buffer?

2162

2163 Mr. Strauss - No. It's not a transitional buffer and there is no deviation at all.

2164

2165 Mr. Jernigan - I'm sorry. I misunderstood you.
2166

2167 Mr. Vanarsdall - I'll second it.
2168

2169 Mr. Jernigan - My hearings going out on me, I must be getting old. All right, do we
2170 have a second?
2171

2172 Mr. Archer - Yes, we do.
2173

2174 Mrs. Ware - Mr. Vanarsdall, seconded it.
2175

2176 Mr. Jernigan - All right. We have a motion by Mr. Taylor and a second by Mr.
2177 Vanarsdall. All in favor say aye...all opposed say nay. The ayes have it. The motion is
2178 passed.
2179

2180 The Planning Commission approved the landscape and lighting plan for LP/POD-27-03,
2181 Chipotle Mexican Grill, subject to the standard conditions attached to these minutes for
2182 landscape and lighting plans and the annotations on the plans. Mr. Glover was absent.
2183

2184 Mr. Jernigan - All right, the next thing on the agenda are the minutes.
2185

2186 Mr. Silber - We have the minutes and then I have a couple of announcements.
2187

2188 **APPROVAL OF MINUTES: September 24, 2003 and October 22, 2003, Minutes**
2189

2190 Mr. Jernigan - Are there any corrections to the September 24, 2003, minutes?
2191

2192 Mr. Vanarsdall - Yes, I have a correction. I'm glad we are doing it last today because of
2193 the September the 24 minutes, it has Mr. Richard Glover in the Three Chopt District.
2194

2195 Mr. Archer - He didn't tell you?
2196

2197 Mr. Vanarsdall - I have not been notified about that. If he's in the Three Chopt District, I
2198 just lost my job.
2199

2200 Mr. Jernigan - That's a big correction.
2201

2202 Mr. Taylor - Mr. Vanarsdall, what page is that error on?
2203

2204 Mrs. Ware - It's on the first page.
2205

2206 Mr. Jernigan - Where is list the people present but he's under where it says "Members
2207 Absent."
2208 Mr. Silber - We will see to it that that is corrected.
2209

2210 Mr. Jernigan - All right. Are there any other corrections to the September 24, 2003
2211 minutes?

2212

2213 Mr. Taylor - I move that the September 24, 2003, minutes be approved.

2214

2215 Mrs. Ware - Second.

2216

2217 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware to approve
2218 the September 24, 2003, minutes with the correction. All in favor say aye...all opposed say
2219 nay. The ayes have it. The motion is passed.

2220

2221 The Planning Commission approved the September 24, 2003, minutes with the corrections.

2222 Mr. Glover was absent.

2223

2224 Mr. Jernigan - All right. On the October 22, 2003, minutes are there any corrections?

2225

2226 Mr. Archer - I do know of one, Mr. Chairman. It's on page 8, line 269. The word
2227 should be "what" instead of "that."

2228

2229 Mr. Jernigan - Are there any other corrections? All right, do we have a motion?

2230

2231 Mr. Archer - I move approval of the October 22, 2003, minutes.

2232

2233 Mr. Vanarsdall - Second.

2234

2235 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall to
2236 approve the October 22, 2003, minutes with the correction. All in favor say aye...all opposed
2237 say nay. The ayes have it. The motion is passed.

2238

2239 The Planning Commission approved the October 22, 2003, minutes with the corrections. Mr.

2240 Glover was absent.

2241

2242 Mr. Jernigan - All right, Mr. Silber, you have some announcements.

2243

2244 Mr. Silber - I have a couple of items for your information. There has been a joint
2245 work session scheduled involving the Board of Supervisors and the Planning Commission for
2246 next week, November 25, 2004. This would be a work session, informational purposes,
2247 information sharing work session to talk about gated communities and the matter that we have
2248 discussed before regarding private roads, and gated communities.

2249

2250 The Board has set a work session and they wanted to invite the Planning Commission for that.
2251 It looks as though it's going to be 4:30 p.m. but a letter will be sent out to the Planning
2252 Commission probably today or tomorrow. But that will be 4:30 p.m. on Tuesday, November
2253 25. If we could request your presence, if possible. We realize this is short notice and if you
2254 can't attend that's fine but we would like to have you there if possible. Again, a letter will be

2255 sent out in the next day or two.

2256

2257 In addition to that, the Commission needs to set a work session on that ordinance amendment
2258 for it's meeting on December 17. We would like to put this at the end of the agenda. This
2259 would be your POD agenda and this would be an ordinance amendment, again, on the same
2260 subject. It looks as though we will have to amend Chapter 24 of the Zoning Regulations
2261 relative to allowing these types of development on public roads. So, if we could have
2262 consideration of that and a motion....

2263

2264 Mr. Vanarsdall - What kind of developments on public roads?

2265

2266 Mrs. Ware - Gated communities.

2267

2268 Mr. Vanarsdall - The gated communities that we talked about before?

2269

2270 Mr. Jernigan - Private roads in gated communities.

2271

2272 Mr. Silber - These are really public roads in gated communities, the gating off of
2273 public roads.

2274

2275 Mr. Vanarsdall - (Unintelligible) ...the County's standards and the homeowners keep it up.

2276

2277 Mr. Silber - That's correct.

2278

2279 Mr. Vanarsdall - Well, I'm all for that but I won't be there on the 17th.

2280

2281 Mr. Jernigan - It's the 25th, next week.

2282

2283 Mr. Vanarsdall - No, the 25th is Christmas day. I thought you said the 25th of November?

2284 You are going to talk about that subject in addition to....

2285

2286 Mr. Silber - Let me clarify this. There is a joint work session with the Board of
2287 Supervisors and the Planning Commission on the 25th of November, that's next week, probably
2288 at 4:30 p.m. In addition to that, I am asking you to set at your December 17 meeting, a work
2289 session, which Mr. Vanarsdall will not be at. He's not going to be at this meeting, but, at that
2290 meeting on December 17 we need a work session set to discuss that ordinance amendment.

2291

2292 Mr. Vanarsdall - That's what I thought. I didn't misunderstand you, you all
2293 misunderstood what I said.

2294

2295 Mr. Taylor - Which rarely happens.

2296 Mr. Jernigan - Okay. We don't need a motion on that, do we?

2297

2298 Mr. Silber - Yes, you need a motion and a second to set a work session.

2299

2300 Mr. Jernigan - Okay.
2301
2302 Mr. Taylor - I move that we move to set the date of December 17 for the second work
2303 session for ordinance amendment for gated community.
2304
2305 Mr. Archer - That means that we would have met every week this month.
2306
2307 Mr. Jernigan - Second. We have a motion by Mr. Taylor and a second by Mr.
2308 Jernigan. All in favor say aye...all opposed say nay. The ayes have it. The motion is passed.
2309
2310 The Planning Commission approve to have a work session on Gated Communities on Public
2311 Road at the end of the December 17, 2003, Planning Commission meeting.
2312
2313 Mr. Archer - Before we adjourn the meeting, I would like to ask if the Commission
2314 think we should entertain the idea of sort of delineating recreational areas and tot lots that we
2315 have appearing in some subdivisions. We don't have any guidelines to go by and I think quite
2316 often we, if we are not careful we will get stuck with whatever piece of junk property left over
2317 after the subdivision has been developed and then they call that a recreational area.
2318
2319 I think we need to be a little more specific about what we recommend and find a way to do
2320 that.
2321
2322 Mrs. Ware - Like not under power lines.
2323
2324 Mr. Archer - Not under power lines or not in the swamp.
2325
2326 Mrs. Ware - Next to BMPs.
2327
2328 Mr. Jernigan - Next to a snake pit.
2329
2330 Mr. Archer - I mean, I can speak from experience. When I bought my house there
2331 was to be a recreation area. I've been there 15 years and I haven't seen it yet. But, it was sold
2332 that way. All the people who bought there were told that there would be a recreational area in
2333 the middle of the subdivision.
2334
2335 Mrs. Ware - How would we go about doing that?
2336
2337 Mr. Jernigan - Do you want to have a meeting on it?
2338
2339 Mr. Archer - I don't know. I just want you all to think about it and think whether or
2340 not we could come up with some specific plans or some guidelines as to how big they should
2341 be, or maybe according to the size of the subdivision and where they should be, so we just
2342 don't get stuck with whatever is left, if anything.
2343
2344 Mr. Vanarsdall - Wouldn't that come under a proffer?

2345

2346 Mr. Silber - Yes. I think the time to address it, the best we could, would be the time
2347 of rezoning.

2348

2349 Mr. Archer - And I agree with you. I think it is but I think if we had some set of
2350 standards that we could go by that it would make it easier doing that process to make a
2351 recommendation. We could proffer it in but maybe have....

2352

2353 Mr. Silber - Maybe standards on a size that might have relationship to the overall
2354 development size and then preferred locations or places where they shouldn't be located. We
2355 can work something up.

2356

2357 Mr. Archer - Okay. And I don't want to make a big issue out of it but I just think...
2358 and Ms. Goggin and I were just talking about it because of one of the cases that came up here
2359 today. She had to do some last minute shifting to get it where it ought to be. I don't know if
2360 the development community is all that interested in using what they would consider good land
2361 for a recreational area but you can certainly mess up a nice subdivision if you don't plan the
2362 recreational for it properly. I think we are being disingenuous to people who buy houses when
2363 you tell them it's going to be a recreational area and the last house gets built and there is none.

2364

2365 Mr. Vanarsdall - I agree.

2366

2367 Mrs. Ware - Or, it's on what's left over.

2368

2369 Mr. Archer - I just thought I would throw it out there.

2370

2371 Mr. O'Kelly - I think we can work with the Recreation & Parks Department to come up
2372 with some guidelines, Mr. Archer.

2373

2374 Mr. Archer - Four hundred houses and two picnic tables. That's pretty good isn't it?
2375 But, anyway I just thought I'd throw that out.

2376

2377 Mr. Jernigan - Okay. The meeting is adjourned at 11:07 a.m.

2378

2379 Mr. Vanarsdall - Second.

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2381 On a motion by Mr. Jernigan and a second by Mr. Vanarsdall, the Planning Commission
2382 adjourn its meeting at 11:07 a.m.

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E. Ray Jernigan, C.P.C. (Chairman)

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Randall R. Silber, Acting Secretary