

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, October 26,
4 2005.

5

6 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairperson (Brookland)
7 Mr. C. W. Archer, C.P.C., Vice Chairperson (Fairfield)
8 Mr. Tommy Branin (Three Chopt)
9 Mrs. Bonnie-Leigh Jones (Tuckahoe)
10 Mr. E. Ray Jernigan, C.P.C. (Varina)
11 Mr. David A. Kaechele (Three Chopt) Board of Supervisors
12 Representative
13 Mr. David D. O'Kelly, Jr., Assistant Director of Planning,
14 Acting Secretary

15

16 Member Absent: Mr. Randall R. Silber, Director of Planning, Secretary

17

18 Others Present: Ms. Leslie A. News, CLA, Principal Planner
19 Mr. James P. Strauss, CLA, County Planner
20 Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
21 Mr. E. J. (Ted) McGarry, III, County Planner
22 Mr. Michael F. Kennedy, County Planner
23 Ms. Christina L. Goggin, AICP, County Planner
24 Mr. Michael P. Cooper, County Planner
25 Mr. Tony Greulich, County Planner
26 Mr. Michael Jennings, Assistant Traffic Engineer
27 Ms. Diana B. Carver, Recording Secretary

28

29 **Mr. David A. Kaechele, the Board of Supervisors Representative, abstains on all cases**
30 **unless otherwise noted.**

31

32 Mr. Vanarsdall - Good morning, everyone, the Planning Commission will come to order.
33 Mr. Dave O'Kelly, our Assistant Director of Planning, will steer us down the line this
34 morning. We're glad to have you, Dave. And with that, I'll turn the meeting over to Mr.
35 O'Kelly.

36

37 Mr. O'Kelly - The first item on the agenda, Mr. Chairman, is the requests for
38 deferrals. We have several this morning and Leslie News will lead us through those, Leslie.

39

40 Mr. Vanarsdall - Good morning, Ms. News.

41 Ms. News - Good morning, Mr. Chairman, Mr. Secretary, members of the
42 Commission. Staff is aware of five requests for deferral. The first request is found on page 2
43 in your agenda and it is located in the Brookland District. This is a transfer of approval POD-
44 55-75 and POD-46-94, Brookfield Commons. The applicant is requesting a deferral to the
45 November 16, 2005 meeting.

46

47 **TRANSFER OF APPROVAL (Deferred from the September 28, 2005 Meeting)**

48

POD-55-75 and POD-46-94 **Hirschler Fleischer for Direct Invest Ventures, LLC:**
Brookfield Commons Request for transfer of approval as required by Chapter 24,
Section 24-106 of the Henrico County Code from Chamberlin,
L.P. to Direct Invest Ventures, LLC. The 6.822-acre site is
located at 6600 W. Broad Street (U. S. Route 250) at the
northeast corner of the intersection of W. Broad Street and
Dickens Road on parcel 768-743-7194 The zoning is O-3,
Office District. County water and sewer. **(Brookland)**

49

50 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of POD-55-
51 75 and POD-46-94, Brookfield Commons, in the Brookland District? Before I make a motion,
52 what is this? Is it one of those cloak and dagger things you read and all that, and you can't tell
53 what it is. What are we deferring?

54

55 Ms. News - This is a transfer of approval for one of the buildings in the Brookfield
56 complex. It's

57

58 Mr. Vanarsdall - Who is the builder, the University of Phoenix or is it Genworth?

59

60 Ms. News - Let me check with the staff member.

61

62 Mr. Vanarsdall - I don't mind deferring something but I would like to know what it is that
63 I am deferring.

64

65 Ms. News - Sorry, Mr. Chairman, the staff person working on that has stepped out
66 of the room and we will find out exactly which building it is in there. I will get that
67 information for you in a second.

68

69 Mr. Vanarsdall - You mean no one knows what it is and we've got it on the docket.

70

71 Mr. O'Kelly - Mr. Chairman, Penny Koch with Hirschler Fleischer has been handling
72 this with staff and apparently she is not here this morning.

73

74 Mr. Vanarsdall - What is it?

75 Mr. O’Kelly - It’s the building at the corner of Dickens Road and W. Broad Street. It
76 is an existing office building and it is being purchased by another party who is interested in
77 transferring the plan of development approval to their name.

78

79 Mr. Vanarsdall - So, right now they don’t know what they are going to use it for?

80

81 Mr. O’Kelly - It is going to continue to be an office building. One of the tenants is also
82 the University of Phoenix.

83

84 Mr. Vanarsdall - Is that who it is going to be?

85

86 Mr. O’Kelly - That is one of the tenants.

87

88 Mr. Vanarsdall - Well, that’s good enough. Thank you. I move that POD-55-75 and
89 POD-46-94, Brookfield Commons, be deferred to November 16 at the applicant’s request.

90

91 Mr. Archer - Second, Mr. Chairman.

92

93 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Archer.
94 All in favor say aye...all opposed say nay. The motion passes.

95

96 At the request of the applicant, the Planning Commission deferred the transfer of approval
97 request for POD-55-75 and POD-46-94 Brookfield Commons, to its November 16, 2005
98 meeting.

99

100 Ms. News - The next request is on page 20 in your agenda and this is located in the
101 Varina District - subdivision Hoke Brady Farms (October 2005 Plan) for 43 lots. The applicant
102 has requested a deferral to the November 16, 2005 meeting.

103

104 **SUBDIVISION**

105

Hoke Brady Farms
(October 2005 Plan)
Kingsland Road

**Engineering Design Associates for Charlie H. Purks, Sr.
and D. P. Purks Trust and G & G Limited:** The 126.30-acre
site proposed for a subdivision of 43 single-family homes is
located on the north line of Kingsland Road between Varina
Road and the U.S. Park Service property on parcel 812-674-
1758 The zoning is A-1, Agricultural District. Individual well
and septic tank/drainfield. **(Varina) 43 Lots**

106

107 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of
108 subdivision Hoke Brady Farms (October 2005 Plan) in the Varina District? No opposition.

109

110 Mr. Jernigan - Mr. Chairman, I move for deferral of subdivision Hoke Brady Farms
111 (October 2005 Plan) to November 16, 2005, by request of the applicant.

112

113 Mr. Archer - Second.

114

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

116 All in favor say aye...all opposed say nay. The motion passes.

117

118 At the request of the applicant, the Planning Commission deferred subdivision Hoke Brady
119 Farms (October 2005 Plan), to its November 16, 2005 meeting.

120

121 Ms. News - The next request is on page 27 in your agenda and located in the Varina

122 District - subdivision Wilton Collector Roads (October 2005 Plan) for a zero lot subdivision.

123 The applicant has requested a deferral to the November 16, 2005 meeting.

124

125 **SUBDIVISION**

126

Wilton Collector Roads,
Phase 1 (October 2005 Plan)

**Youngblood, Tyler & Associates, P.C. for WF Hunt, LLC
and HHHunt Corporation:** The 47.35-acre portion of the
1185-acre site proposed for a subdivision for public roads is
located on property adjacent to the north and south lines of the
Pocahontas Parkway (State Route 895) and the James River
shore line on parcel 798-683-5459. The zoning is UMUC,
Urban Mixed Use District (Conditional). County water and
sewer. **(Varina) 0 Lot**

127

128 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of

129 subdivision Wilton Collector Roads (October 2005 Plan) in the Varina District? No

130 opposition. Mr. Jernigan.

131

132 Mr. Jernigan - Mr. Chairman, I move for deferral of subdivision case Wilton Collector

133 Roads (October 2005 Plan) to November 16, 2005, by request of the applicant.

134

135 Mrs. Jones - Second.

136

137 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mrs. Jones. All

138 in favor say aye...all opposed say nay. The motion passes.

139

140 At the request of the applicant, the Planning Commission deferred subdivision Wilton

141 Collector Roads, Phase I (October 2005 Plan), to its November 16, 2005 meeting.

142

143 Ms. News - The next request on page 30 in your agenda and located in the Fairfield

144 District is subdivision Sweetbay Hill (October 2005 Plan) for 144 lots. The applicant is

145 requests a deferral to the November 16, 2005 meeting.

146

147 **SUBDIVISION & EXCEPTION**

148

Sweetbay Hill
(October 2005 Plan)
JEB Stuart Parkway

Foster & Miller, P.C. for William C. & Edith B. Schermerhorn Charitable Remainder Unitrust: Request for approval of a conditional subdivision and exception pursuant to Sections 19-4(c) and 19-112 of the Henrico County Code for creation of a block greater than 1,320 feet in length between intersecting streets. The 95.316-acre site is located adjacent to Magnolia Ridge subdivision, approximately 1500 feet northwest of the intersection of Magnolia Ridge Drive and unimproved J.E.B. Stuart Parkway on parcels 781-773-3186, 780-773-3673 and 2718 and 780-772-9071. The zoning is R-2AC, One-Family Residence District (Conditional). County water and sewer. **(Fairfield) 144 Lots**

149

150 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of
151 subdivision Sweetbay Hill (October 2005 Plan) in the Fairfield District? No opposition. Mr.
152 Archer.

153

154 Mr. Archer - Mr. Chairman, I move for deferral of Sweetbay Hill (October 2005
155 Plan) to November 16, 2005, meeting at the applicant's request.

156

157 Mr. Jernigan - Second.

158

159 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Jernigan.
160 All in favor say aye...all opposed say nay. The motion passes.

161

162 At the request of the applicant, the Planning Commission deferred subdivision Sweetbay Hill
163 (October 2005 Plan), to its November 16, 2005 meeting.

164

165 Ms. News - The last request is on page 33 in your agenda and it is located in the
166 Three Chopt District. This is POD-24-04, Hickory Corner Office Park for reconsideration.
167 The applicant is requesting a deferral to the November 16, 2005 meeting.

168 **PLAN OF DEVELOPMENT RECONSIDERATION**

169

POD-24-04
Hickory Corner Office Park
5310 – 5398 Twin Hickory
Road

D. Neil Rankins for Hickory Corner, L.C.: Request for approval of a reconsideration of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, for approval of revisions to site improvements, architectural and HVAC screening for a previously approved office park. The 5.135-acre site is located on the east line of Twin Hickory Road, approximately 170 feet north of Nuckols Road on parcel 747-773-1506. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Three Chopt)**

170

171 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of POD-24-
172 04, Hickory Corner Office Park, in the Three Chopt District? No opposition. Mr. Branin.

173

174 Mr. Branin - Mr. Chairman, first I would like to ask if there is anyone here who is a
175 current tenant in Hickory Corner?

176

177 Ms. Morton - Yes, Sherry Morton.

178

179 Mr. Branin - Okay. And, also, is the applicant here?

180

181 Mr. Rankins - Yes.

182

183 Mr. O’Kelly - Mr. Rankins, could you come down to the podium please.

184

185 Mr. Vanarsdall - Good morning. Would you state your name for the record please.

186

187 Mr. Rankins - Good morning. My name is Neil Rankins.

188

189 Mr. Branin - Mr. Rankins, the reason I asked you to come down is to see if we are all
190 on the same page. I know the staff and myself have asked a couple of questions in regards to
191 your screening.

192

193 Mr. Rankins - Yes.

194

195 Mr. Branin - And I would formally request that you set up a meeting to have with
196 your current tenants and also a staff member and myself to review their complaints and their
197 concerns with both your future progression on this development as well as some current
198 problems that they are having. We have received several calls, letters and emails voicing
199 complaints and it is the Planning Commission’s position to always make sure that anything
200 that’s being developed in Henrico County is done properly so that your tenants and our citizens
201 are happy with what’s going on. And, because of these concerns that are being brought to the
202 County, I would really, strongly, suggest that you have a meeting, and I would also like to be
203 in attendance.

204

205 Mr. Rankins - Yes, that would be great. In fact, we would just love to get all of the
206 problems solved, if there are any, with people and do whatever needs to be done.

207

208 Mr. Branin - All right. Thank you. I believe there's someone else who wants to
209 speak.

210

211 Mr. Vanarsdall - Do you have your attorney with you, Mr. Rankins?

212

213 Mr. Rankins - Do I? Oh, no, she's a tenant.

214

215 Woman In Aud. - Who just happens to be an attorney.

216

217 Mr. Vanarsdall - It's good to see you. All right. Yes, sir, come on down.

218

219 Mr. Hunt - Hi. My name is Paul Hunt. I want to make sure that it's not just current
220 tenants. We are an owner, and we have not had our build out done yet, and I want to make
221 sure that we are included. When you say tenants, I want to make sure Mr. Rankins doesn't
222 just go through and....

223

224 Mr. Branin - Absolutely.

225

226 Mr. Hunt - Very good. Thank you, sir.

227

228 Mr. Branin - Mr. Chairman, I'm sorry to stop the Commission, but it's a problem that
229 came up that I feel pretty strongly about.

230

231 Mr. Vanarsdall - No problem. Very good planning.

232

233 Mr. Branin - So with that, I move for deferral of POD-24-04, Hickory Corner Office
234 Park, to the November 16 meeting, at the applicant's request.

235

236 Mr. Jernigan - Second.

237

238 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
239 in favor say aye...all opposed say nay. The motion passes.

240 At the request of the applicant, the Planning Commission deferred POD-24-04, Hickory
241 Corner Office Park, to its November 16, 2005 meeting.

242

243 Mr. Vanarsdall - I believe that's the end of the deferrals.

244

245 Mr. Jernigan - Mr. Chairman, I have one more...at the last moment here. Page 5, the
246 landscape plan for LP/POD-34-05, The Village @ Osborne.

247

248 **LANDSCAPE PLAN (Deferred from the July 27 2005, Meeting)**

249

LP/POD-34-05 **Foster & Miller, P.C. for FTF, LLC:** Request for approval of
The Village @ Osborne – a landscape plan, as required by Chapter 24, Sections 24-106
Zero Lot Line Dwellings and 24-106.2 of the Henrico County Code. The 41.758-acre
Osborne Turnpike site is located at 7101 Osborne Turnpike, approximately 4,500
feet north of Burning Tree Road on parcels 802-696-9269 and
803-696-6866. The zoning is R-5AC, General Residence
District (Conditional) (**Varina**)

250

251 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferment of
252 LP/POD-34-05, The Village @ Osborne, to the November 16 meeting? No opposition.

253

254 Mr. Jernigan - Mr. Chairman, with that, I will move deferral for landscape plan
255 LP/POD-34-05, The Village @ Osborne, to November 16, 2005, by request of the
256 Commission.

257

258 Mr. Archer - I second that motion, Mr. Chairman.

259

260 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mr. Archer.
261 All in favor say aye...all opposed say nay. The motion passes.

262

263 The Planning Commission deferred the landscape plan for LP/POD-34-05, The Village @
264 Osborne, to the November 16, 2005, meeting.

265

266 Mr. O'Kelly - Next on the agenda, Mr. Chairman, is the Expedited cases. The
267 Expedited Agenda, for those in the audience that are not familiar with it, these are cases that
268 the staff and the applicant are in agreement on. The Planning Commission representative for
269 the area has reviewed the request and is in agreement with the recommendations. There is no
270 known opposition. If during the discussions of these cases we do discover any opposition, then
271 the case will be passed by and heard in regular order on the agenda. Ms. Leslie News will
272 take us through the Expedited Agenda.

273

274 Ms. News - We have eight cases on the Expedited Agenda. The first case is found
275 on page 3 in your agenda and it is located in the Three Chopt District. This is a transfer of
276 approval for POD-75-95, Circuit City Headquarters, Phase C, Deep Run III. There is an
277 addendum item on page one of your addendum which includes an additional condition
278 requiring that the deficiencies found on site, which were minor, be corrected by December 15,
279 2005 and the applicant has agreed.

305 **LANDSCAPE & LIGHTING PLAN**

306

LP/POD-19-97
Westerre III – Westerre
Parkway

Balzer & Associates, Inc. for Liberty Property Trust:
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 4.13-acre site is located on the west line of Westerre Parkway, approximately 1,000 feet south of W. Broad Street (U.S. Route 250) on parcel 749-759-7627. The zoning is O-3C, Office District (Conditional) and B-2C, Business District (Conditional). **(Three Chopt)**

307

308 Mr. Vanarsdall - Is there anyone in the audience in opposition to the landscape and
309 lighting plan for LP/POD-19-97, Westerre III, in the Three Chopt District? No opposition.
310 Mr. Branin.

311

312 Mr. Branin - Mr. Chairman, I move approval of the landscape and lighting plan for
313 LP/POD-19-97, Westerre III, on the Expedited Agenda as recommended by staff.

314

315 Mr. Jernigan - Second.

316

317 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
318 in favor say aye...all opposed say nay. The motion passes.

319

320 The Planning Commission approved the landscape and lighting plan for LP/POD-19-97,
321 Westerre III, subject to the standard conditions attached to these minutes for landscape and
322 lighting plans.

323

324 Ms. News - Next on page nine in your agenda located in the Brookland District is
325 subdivision Glenside Woods, Section 3 (October 2005 Plan). This is for 14 lots.

326

327 **SUBDIVISION**

328

Glenside Woods, Section 3
(October 2005 Plan)

Bay Design Group, P.C. for Wilton Development Company:
Request for approval of a subdivision for 14, two-story, residential townhouse units for sale. The 6.9-acre site is located on the north line of Glenside Drive, approximately 230 feet east of Fernwood Street on parcel 771-748-3499 and part of parcel 771-748-5588. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Brookland) 14 Lots**

329

330 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Glenside
331 Woods, Section 3 (October 2005 Plan) in the Brookland District? No opposition. I move
332 Glenside Woods, Section 3 (October 2005 Plan) be approved on the Expedited Agenda as
333 recommended by staff, the standard conditions for subdivision residential townhouses served
334 by public utilities and additional conditions numbers 13 through 17.

335

336 Mr. Archer - Second.

337

338 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Archer.
339 All in favor say aye...all opposed say nay. The motion carries.

340

341 The Planning Commission granted conditional approval to subdivision Glenside Woods,
342 Section 3 (October 2005 Plan) subject to the annotations on the plans, the standard conditions
343 attached to these minutes for subdivisions served by public utilities, and the following
344 additional conditions:

345

346 13. The detailed plant list and specifications for the landscaping to be provided within the 50-
347 foot-wide planting strip easement along Glenside Drive and within the 25-foot-wide
348 planting strip easement along the eastern and northern property lines shall be submitted to
349 the Department of Planning for review and approval prior to recordation of the plat.

350 14. A County standard sidewalk shall be constructed along all interior roads and the north
351 side of Glenside Drive.

352 15. Any necessary offsite drainage easements must be obtained prior to approval of the
353 construction plan by the Department of Public Works.

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

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

367

368 Ms. News - Next on page 10 in your agenda located in the Brookland District is a
369 POD for the same subdivision we just spoke of, POD-66-05, Glenside Woods, Section 3.

370 **PLAN OF DEVELOPMENT**

371

POD-66-05

Glenside Woods, Section 3 –
Glenside Drive

Bay Design Group, P.C. for Wilton Development Company:
Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 14, two-story, residential townhouse units for sale. The 6.9-acre site is located on the north line of Glenside Drive, approximately 230 feet east of Fernwood Street on parcel 771-748-3499 and part of parcel 771-748-5588. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Brookland)**

372

373 Mr. Vanarsdall - This is the POD of the subdivision. Is there anyone in the audience in
374 opposition to POD-66-05, Glenside Woods, Section 3, in the Brookland District? No
375 opposition. I move approval of POD-66-05, Glenside Woods, Section 3, on the Expedited
376 Agenda with the annotations on the plans and the standard conditions for developments of this
377 type and the following additional conditions Nos. 24 through 40.

378

379 Mr. Jernigan - Second.

380

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

383

384 The Planning Commission approved POD-66-05, Glenside Woods, Section 3, subject to the
385 annotations on the plans, the standard conditions attached to these minutes for developments of
386 this type, and the following additional conditions:

387

388 24. The subdivision plat for Glenside Woods, Section 3 shall be recorded before any
389 building permits are issued.

390 25. The easements for drainage and utilities as shown on approved plans shall be granted to
391 the County in a form acceptable to the County Attorney prior to any occupancy permits
392 being issued. The easement plats and any other required information shall be submitted
393 to the County Real Property Agent at least sixty (60) days prior to requesting
394 occupancy permits.

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

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

400 28. A standard concrete sidewalk shall be provided along all interior roads and the north
401 side of Glenside Drive.

402 29. Outside storage shall not be permitted.

403 30. A 50-foot planting strip to preclude ingress or egress along the north side of Glenside
404 Drive and 25 feet along the eastern and northern property lines shall be shown on the
405 approved plans. The details shall be included with the required landscape plans for

- 406 review and approval.
- 407 31. The proffers approved as a part of zoning case C-38C-05 shall be incorporated in this
408 approval.
- 409 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in
410 a form acceptable to the County Attorney prior to final approval of the construction
411 plans.
- 412 33. Deviations from County standards for pavement, curb or curb and gutter design shall be
413 approved by the County Engineer prior to final approval of the construction plans by
414 the Department of Public Works.
- 415 34. The pavement shall be of an SM-2A type and shall be constructed in accordance with
416 County standard and specifications. The developer shall post a defect bond for all
417 pavement with the Department of Planning - the exact type, amount and implementation
418 shall be determined by the Director of Planning, to protect the interest of the members
419 of the Homeowners Association. The bond shall become effective as of the date that
420 the Homeowners Association assumes responsibility for the common areas. Prior to the
421 issuance of the last Certificate of Occupancy, a professional engineer must certify that
422 the roads have been designed and constructed in accordance with County standards.
- 423 35. Insurance Services Office (ISO) calculations must be included with the plans and
424 contracts and must be approved by the Department of Public Utilities prior to the
425 issuance of a building permit.
- 426 36. Approval of the construction plans by the Department of Public Works does not
427 establish the curb and gutter elevations along the Henrico County maintained right-of-
428 way. The elevations will be set by Henrico County.
- 429 37. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
430 Department of Planning and approved prior to issuance of a certificate of occupancy for
431 this development.
- 432 38. The location of all existing and proposed utility and mechanical equipment (including
433 HVAC units, electric meters, junction and accessory boxes, transformers, and
434 generators) shall be identified on the landscape plans. All equipment shall be screened
435 by such measures as determined appropriate by the Director of Planning or the
436 Planning Commission at the time of plan approval.
- 437 39. The unit house numbers shall be visible from the parking areas and drives.
- 438 40. The names of streets, drives, courts and parking areas shall be approved by the Richmond
439 Regional Planning District Commission and such names shall be included on the
440 construction plans prior to their approval. The standard street name signs shall be
441 ordered from the County and installed prior to any occupancy permit approval.
442
- 443 Ms. News - Next on page 21 in your agenda located in the Varina District is
444 subdivision Dungal, which is a Resubdivision of Lot 1, Block A for 2 Lots.

445 **SUBDIVISION**

446

Dungel - Resubdivision of **Engineering Design Associates for Rudolph Weston Clark and Gooding Construction Company:** The 0.884-acre site proposed for a subdivision of 2 single-family homes is located along the west side of S. Oak Avenue, 185 feet south of the intersection of S. Oak Avenue and E. Beal Street on parcels 822-721-5974 (part) and 822-721-5974. The zoning is R-3, One-Family Residence District. County water and sewer.
(Varina) 2 Lots

447

448 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Dungel -
449 Resubdivision of Lot 1, Block A (October 2005 Plan) in the Varina District? No opposition.
450 Mr. Jernigan.

451

452 Mr. Jernigan - Mr. Chairman, I move for approval of subdivision Dungel -
453 Resubdivision of Lot 1, Block A (October 2005 Plan) on the Expedited Agenda.

454

455 Mr. Archer - Second.

456

457 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mr. Archer.
458 All in favor say aye...all opposed say nay. The motion carries.

459

460 The Planning Commission granted conditional approval to subdivision Dungel - Resubdivision
461 of Lot 1, Block A (October 2005 Plan) subject to the annotations on the plans, the standard
462 conditions attached to these minutes for subdivisions served by public utilities, and the
463 following additional conditions:

464

465 12. Each lot shall contain at least 11,000 square feet, exclusive of the flood plain areas.

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

469 14. A plan shall be submitted prior to recordation of the plat showing the buildable area for
470 each lot to properly recognize the limitations for dwelling unit dimensions and setbacks.

471 Buildable area is that area within which a dwelling unit may legally be located
472 considering the front yard, side yard, and rear yard setback requirements of Chapter
473 24, of the Henrico County Code.

474 15. Any necessary offsite drainage easements must be obtained prior to approval of the
475 construction plan by the Department of Public Works.

476

477 Ms. News - Next on page 28 in your agenda located in the Fairfield District is
478 subdivision Maron Heights (October 2005 Plan) for 9 lots.

479 **SUBDIVISION**

480

Maron Heights
(October 2005 Plan)
10781 Greenwood Road

Grattan Associates, P.C. for Robert & Kathleen McCormack and Commonwealth Homebuilding Corporation: The 4.16-acre site proposed for a subdivision of 9 single-family homes is located on the east line of Greenwood Road, approximately 980 feet east of the intersection of Greenwood Road and Woodman Road on parcel 778-768-4780. The zoning is R-2AC, One-Family Residence District (Conditional). County water and sewer. **(Fairfield) 9 Lots**

481

482 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Marion
483 Heights (October 2005 Plan) in the Fairfield District? No opposition. Mr. Archer.

484

485 Mr. Archer - Mr. Chairman, I move for approval on the Expedited Agenda of Maron
486 Heights (October 2005 Plan) subject to the standard conditions for subdivisions served by
487 public utilities and the additional conditions Nos. 12 though 16.

488

489 Mr. Jernigan - Second.

490

491 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Jernigan.
492 All in favor say aye...all opposed say nay. The motion carries.

493

494 The Planning Commission granted conditional approval to subdivision Maron Heights (October
495 2005 Plan) subject to the annotations on the plans, the standard conditions attached to these
496 minutes for subdivisions served by public utilities, and the following additional conditions:

497

498 12. Each lot shall contain at least 13,500 square feet.

499 13. The detailed plant list and specifications for the landscaping to be provided within the
500 25-foot-wide, no ingress/egress planting strip easement along Greenwood Road shall be
501 submitted to the Department of Planning for review and approval prior to recordation
502 of the plat.

503 14. Any necessary offsite drainage easements must be obtained prior to approval of the
504 construction plan by the Department of Public Works.

505 15. The proffers approved as part of zoning case C-24C-05 shall be incorporated in this
506 approval.

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

515 Ms. News - Next on page 29 in your agenda located in the Brookland District is

516 subdivision Wistar Townes (October 2005 Plan) for 69 lots.

517

518 **SUBDIVISION**

519

Wistar Townes
(October 2005 Plan)
Wistar Road

Grattan Associates, P.C. for R. I. Pruitt and CGS Properties, LLC: The 15.17-acre site proposed for a subdivision of 69 residential townhouse units for sale is located on the south line of Wistar Road opposite its intersection with Shrader Road on parcel 767-751-2632. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Brookland) 69 Lots**

520

521 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Wistar
522 Townes (October 2005 Plan) in the Brookland District? No opposition. I move that Wistar
523 Townes (October 2005 Plan) be approved with the standard conditions for residential
524 townhouses served by public utilities and the following additional conditions Nos. 13 through
525 16.

526

527 Mr. Branin - Second.

528

529 Mr. Vanarsdall - The motion was made by Mr. Vanarsdall and seconded by Mr. Branin.
530 All in favor say aye...all opposed say nay. The motion carries.

531

532 The Planning Commission granted conditional approval to subdivision Wistar Townes (October
533 2005 Plan) subject to the annotations on the plans, the standard conditions attached to these
534 minutes for subdivisions served by public utilities, and the following additional conditions:

535

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

539 14. Any necessary offsite drainage easements must be obtained prior to approval of the
540 construction plan by the Department of Public Works.

541 15. The proffers approved as part of zoning case C-10C-05 shall be incorporated in this
542 approval.

543 16. A County standard sidewalk shall be constructed along the north side of Wistar Road.

544

545 Ms. News - The last item is on page 32 in your agenda and located in the Varina
546 District is subdivision Wynfield (September 2005 Plan) for 3 lots.

547 **SUBDIVISION**

548

Wynfield
(September 2005 Plan)
3979 Oakley's Lane

Downing Surveys, Inc. and Kenneth Fletcher for Robert & Priscilla Sensabaugh and K. F. Design & Home Improvements, Inc.: The 1.11-acre site proposed for a subdivision of 3, single-family homes is located on the east line of Oakley's Lane, approximately 1,300 feet south of the intersection of Nine Mile Road (U.S. Route 33) and Oakley's Lane on parcel 815-724-0017. The zoning is R-2A, One-Family Residence District. County water and sewer. **(Varina) 3 Lots**

549

550 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Wynfield
551 (September 2005 Plan) in the Varina District? No opposition. Mr. Jernigan.

552

553 Mr. Jernigan - Mr. Chairman, I move for approval of subdivision Wynfield (September
554 2005 Plan) subject to the annotations on the plans, the standard conditions for subdivision
555 served by public utilities, and the following additional conditions Nos. 12 through 14 on the
556 Expedited Agenda.

557

558 Mrs. Jones - Second.

559

560 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mrs. Jones.
561 All in favor say aye...all opposed say nay. The motion carries.

562

563 The Planning Commission granted conditional approval to subdivision Wynfield (September
564 2005 Plan) subject to the annotations on the plans, the standard conditions attached to these
565 minutes for subdivisions served by public utilities, and the following additional conditions:

566

567 12. Each lot shall contain at least 13,500 square feet.

568 13. A plan shall be submitted prior to recordation of the plat showing the buildable area for
569 each lot to properly recognize the limitations for dwelling unit dimensions and setbacks.

570 Buildable area is that area within which a dwelling unit may legally be located
571 considering the front yard, side yard, and rear yard setback requirements of Chapter
572 24, of the Henrico County Code.

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

581

582 Ms. News - Those are all of the items that we have.

583 Mr. Vanarsdall - Thank you, Ms. News, for getting us all through that. All right, Mr.
584 O’Kelly.

585

586 Mr. O’Kelly - Next item on the agenda, Mr. Chairman, are the subdivision extensions
587 of conditional approval. There are four subdivisions that are up for an extension of time.
588 None of those subdivisions require Planning Commission action. These are listed for your
589 information only.

590

591 **FOR INFORMATIONAL PURPOSES ONLY**

592

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended Recommended
Crowder Farms (October 2004 Plan)	Varina	43	43	0	1 Year 10/25/06
Hillcrest Farms (September 2004 Plan)	Fairfield	114	87	0	1 Year 10/25/06
Meadow Oaks (October 2004 Plan)	Varina	26	26	0	1 Year 10/25/06
Pocahontas Estates (October 2004 Plan)	Varina	16	16	0	1 Year 10/25/06

593

594 Mr. Vanarsdall - Well they are for Varina and Fairfield. Mr. Jernigan or Mr. Archer do
595 you have any questions on these?

596

597 Mr. Jernigan - No, sir.

598

599 Mr. Archer - No, sir.

600

601 Mr. Vanarsdall - Okay. We will go on to the next item.

602

603 Mr. O’Kelly - The next item, I believe, is on page 7 of your agenda. This is a request
604 for an alternative fence height for the Adamson residence. Mr. Strauss.

605

606 **ALTERNATIVE FENCE HEIGHT PLAN**

607

Adamson Residence -
River Road

William H. Spell for John and Katherine Adamson: Request for approval of an alternative fence height plan to permit a five-foot-high brick serpentine wall in the front yard, as required by Chapter 24, Sections 24-106 and 24-95(1)7 of the Henrico County Code. The 2.295-acre site is located at 9301 River Road on parcel 744-735-2788. The zoning is R-1, One-Family Residence District. **(Tuckahoe)**

608

609 Mr. Strauss - Good morning, Mr. Chairman. This request is to allow the owner of the
610 house at 9301 River Road permission to build a brick serpentine wall to a height greater than
611 typically permitted in a front yard, which is 42 inches. The owner Mr. Adamson proposes to
612 build this wall to a height of up to five feet. Staff had originally been contacted by the
613 Department of Public Works and there was a concern that the wall was going to be located
614 some five to nine feet within the possible future right-of-way for River Road.

615

616 If River Road was ever to be widened that could be a problem. The owner does not want to
617 move this proposed wall into the woods in his front yard. After further discussion between the
618 owner and the Department of Public Works, Public Works has informed staff that because
619 there are currently no plans to widen or acquire right-of-way for River Road, the plan could be
620 approved as originally submitted. The staff plan that you have has an annotation stating that
621 the wall should be relocated out of the right-of-way. Obviously, we now would be
622 recommending approval with the omission of that note.

623

624 Now this morning, the neighbor of Mr. Adamson has come to the meeting expressing an
625 interest. I believe he will be in opposition to this case. I'll be happy to answer any questions
626 you may have.

627

628 Mr. Vanarsdall - Are there any questions of Mr. Strauss by Commission members?
629 Thank you, Mr. Strauss. Okay. We have some opposition. Would you like to come down,
630 state your name and tell of your concerns.

631

632 Mr. O'Neil - My name is Bill O'Neil and I live to the right of him, the way I'm
633 looking at it on here. I am concerned about the height. What is the allowable height without
634 getting some kind of special permission?

635

636 Mr. Jernigan - It's 42 inches.

637

638 Mr. O'Neil - Well, that's what my fence is. It's going to dominate the area I feel.
639 There's nothing there coming down. I have a 42-inch fence. There are no other fences and
640 then here comes this.

641

642 Mrs. Jones - Mr. O'Neil, good morning. I just want to make sure I understand. You
643 are the home to the right of this?

644

645 Mr. O'Neil - The way I'm looking at it right now.

646

647 Mrs. Jones - Are you in the white, ranch, home that recently had the front property
648 cleared of trees?

649

650 Mr. O'Neil - Yes, it's not a ranch, but that's where I live.

651

652 Mrs. Jones - One story.

653

654 Mr. O'Neil - No, it's two stories.
655

656 Mrs. Jones - With wings on the side.... I want to make sure I have the right house.
657 And you have a white column at your driveway, two white columns.
658

659 Mr. O'Neil - No, that's going west.
660

661 Mrs. Jones - Oh, excuse me.
662

663 Mr. O'Neil - If you look at the map, I'm right at the corner of Walsing and River.
664

665 Mrs. Jones - Oh, you're in the colonial.... I know exactly which home and your fence
666 is three rails and....
667

668 Mr. O'Neil - Three rails, yes, that's correct.
669

670 Mrs. Jones - I got you, okay. Your fence is three and a half feet, is that correct?
671

672 Mr. O'Neil - That's correct.
673

674 Mrs. Jones - Have you discussed this with your neighbor?
675

676 Mr. O'Neil - No. I just saw it the first time here. I got the file down there and looked
677 at it with Jim here.
678

679 Mrs. Jones - Okay. There are other brick walls along River Road and none within
680 one or two properties, but you feel that this is going to be substantially different from that.
681

682 Mr. O'Neil - Well, I just feel like it's going to dominate the area and why do they
683 want it so high? And he's not carrying it back. He's just putting it just in the front, not
684 bringing it down the sides.
685

686 Mrs. Jones - Just wrapping the corners.
687

688 Mr. O'Neil - That's right.
689

690 Mrs. Jones - Do you know whether your neighbor is here today? I haven't met him
691 yet.
692

693 Mr. Strauss - Mrs. Jones, we have been looking for Bill Spell, he is the applicant's
694 representative. And since he isn't here, I think he needs to address this and we might have to
695 defer the case.

696 Mrs. Jones - Absolutely. I think there is someone in the back who raised his hand.
697

698 Mr. Adamson - I'm the owner.
699

700 Mrs. Jones - Okay. Thank you, Mr. O'Neil, is there anything else you would like to
701 add to your concern about the height?
702

703 Mr. O'Neil - No.
704

705 Mrs. Jones - I would like to hear from the applicant at this point.
706

707 Mr. Adamson - How are you?
708

709 Mrs. Jones - Good morning, would you state your name for us.
710

711 Mr. Adamson - I'm John Adamson. I was unaware that there was any opposition to this
712 and Bill Spell is not here this morning. The intent of the wall, it's a very colonial house, very
713 Jeffersonian, and we were trying to carry that on the form and function, with the wall itself. A
714 three and a half foot tall serpentine would not serve its purpose, in my opinion, in function and
715 in form, not in creating total privacy but trying to eliminate some of the road noise from River
716 Road back at the property itself. I would like to hold this, or table this, if necessary if there is
717 overwhelming concern and have Bill here for the meeting, if necessary. My intent would be to
718 have a 60-inch wall just because that is a classic Jeffersonian serpentine wall.
719

720 Mrs. Jones - Thank you. I have an additional question, while you are here. Have
721 you considered moving the wall out of the ultimate right-of-way should River Road at some
722 point in our distant future... simply because this will, in whatever form or height it takes, be a
723 very expensive and quite involved structure.
724

725 Mr. Adamson - Sure. Mr. Amos and I have had several conversations on that. He's
726 with Public Works, as you know. The concern is that with the ultimate right-of-way that exists
727 on either side of my property, that there would be such a vast amount of space in front of the
728 wall that it would take away from what we were trying to achieve with the wall itself. So, our
729 intent would be to leave the wall as drawn as Bill drew it and then if that is not possible then
730 we would look at alternatives.
731

732 Mrs. Jones - So, the five to nine feet, depending on how the serpentine wall winds its
733 way around is a critical distance to you.
734

735 Mr. Adamson - Actually, I think it's... Oh, you are talking about out of ultimate right-of-
736 way.
737

738 Mrs. Jones - Out of the ultimate right-of-way for the widening.

739 Mr. Adamson - Yes, ma'am. Just because of the space that that would leave between the
740 road and the wall.

741

742 Mrs. Jones - Okay, I see.

743

744 Mr. Adamson - I don't think there is any line of sight issues with regard to the height of
745 the wall. It's purely an aesthetic and again just because of the privacy and the road noise I
746 think 60 inches is critical.

747

748 Mr. Archer - Mr. Adamson, may I ask you a question before you leave?

749

750 Mr. Adamson - Yes.

751

752 Mr. Archer - In looking at the fence, as opposed to the column, the end caps, the
753 column is nine feet, is that correct?

754

755 Mr. Adamson - The entrance column but that is an additional 15 feet if memory serves
756 from the center line of that wall.

757

758 Mr. Archer - How high is the actual fence at that point?

759

760 Mr. Adamson - The fence itself is five feet tall. There's the entranceway itself which is
761 sort of an "S" type shape which comes into the main columns. The main columns themselves
762 are nine feet tall. That fence would slope from five feet up to approximately eight feet at those
763 main columns.

764

765 Mr. Archer - Yes, that's what I'm trying to get at. They are eight feet, okay. Thank
766 you.

767

768 Mrs. Jones - Thank you.

769

770 Mr. Vanarsdall - Are there any more questions?

771

772 Mrs. Jones - Mr. Chairman, I think with the issues that have been raised, the
773 neighbor's concerns, the design feature height and the ultimate right-of-way of River Road, I
774 suggest that we all take a moment to reconsider this and make sure that it is suitable to all.
775 And, I would like to move that we defer this case until next month's meeting.

776

777 Mr. Archer - Second.

778

779 Mr. Vanarsdall - The motion was made by Mrs. Jones and seconded by Mr. Archer. All
780 in favor say aye...all opposed say nay. The motion passes.

781

782 Mrs. Jones, I was wondering where Mr. Bill Spell is this morning.

783

784 Mrs. Jones - I can't answer that, but we will be talking.

785

786 Mr. Vanarsdall - Thank you.

787

788 The Planning Commission deferred the alternative fence height plan for the Adamson
789 Residence, 9301 River Road, to its November 16, 2005 meeting.

790

791 Mr. O'Kelly - Mr. Chairman, if we could go back to page 4, on your agenda, the next
792 case is a transfer of approval, POD-84-96, New Market Square Shopping Center.

793

794 **TRANSFER OF APPROVAL**

795

POD-84-96
New Market Square
Shopping Center

Stephen Malley for RV Crimson, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from ERT Varina, Inc. and Citizens & Farmers Bank to RV Crimson, LLC. The 12.7-acre site is located at the southwest corner of the intersection of New Market and Strath Roads on parcels 815-686-8284 and 816-687-1020. The zoning is B-1C, Business District (Conditional). County water and sewer. (**Varina**)

796

797 Mr. Vanarsdall - Good morning, Mr. McGarry.

798

799 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission. The site
800 inspection for this shopping center is complete and only minor discrepancies were found. The
801 new owner has agreed to replace the landscaping as identified in the inspector's report and
802 wants to do it by November 30, 2005. So, staff recommends this transfer of approval be
803 granted subject to the following condition, which is on your addendum and it basically states
804 that November 30, 2005, is the date for which they have agreed to complete the work. I'll be
805 happy to answer any questions.

806

807 Mr. Vanarsdall - Are there any questions of Mr. McGarry by Commission members? All
808 right. Mr. Jernigan.

809

810 Mr. Jernigan - Mr. Chairman, with that, I will move for approval of transfer of
811 approval POD-84-96, New Market Square Shopping Center, with condition No. 1 on the
812 addendum and staff's recommendation on the addendum.

813

814 Mr. Archer - Second, Mr. Chairman.

815

816 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mr. Archer.
817 All in favor say aye...all opposed say nay. The motion carries.

818 The Planning Commission approved the transfer of approval request for POD-84-96, New
819 Market Square Shopping Center, subject to the new owners accepting and agreeing to be
820 responsible for continued compliance with the conditions for the original approval, and the
821 following addition condition:

822

823 1. The site deficiencies, as identified in the inspector's report dated **October 3, 2005** shall
824 be corrected by **November 30, 2005**.

825

826 **LANDSCAPE PLAN**

827

LP/POD-2-05 **Bay Design Group, P.C. for The Allante Corporation:**
Moore Hummer - Request for approval of a landscape plan, as required by
Vehicle Demonstration Area Chapter 24, Sections 24-106 and 24-106.2 of the Henrico
County Code. The 3.46-acre site is located on the southwest
corner of Dominion Boulevard and Sadler Road on part of
parcel 747-761-2937. The zoning is B-3C, Business District
(Conditional). **(Three Chopt)**

828

829 Mr. Vanarsdall - Good morning, Ms. Goggin.

830

831 Ms. Goggin - Good morning. As Mr. O'Kelly mentioned the plan in front of the
832 Planning Commission is for review and approval of a vehicle demonstration area, which is
833 proposed in the southwestern vehicle storage area. It is not open to the public. Included in
834 your addendum are some photos and areas of obstacle that have been provided by the
835 applicant, but unfortunately it didn't quite make it into the agenda. The area where the vehicle
836 demonstration area is proposed will be gated off, will not be accessible to the general public
837 and will only be available during business hours. The applicant has assured staff that a
838 dealership employee will be with a customer whenever the obstacle area is in use. Staff
839 requested, and the applicant agreed, to increase the six-foot brickcrete wall to eight feet in
840 conjunction with the 19-foot transitional buffer to help lessen the impact onto the adjacent
841 properties. Staff can recommend approval subject to the annotations on the plan, the standard
842 conditions for landscape plans and condition No. 6 in the agenda and No. 7 in the addendum.

843 Mr. Vanarsdall - Are there any questions for Ms. Goggin by Commission members? All
844 right.

845

846 Mr. Branin - Mr. Chairman, I move for approval of LP/POD-2-05, Moore Hummer,
847 according to staff's recommendation and the standard conditions subject to annotations and
848 items Nos. 6 and 7.

849

850 Mr. Jernigan - Mr. Chairman, you have somebody in the back raising his hand.

851

852 Mr. Vanarsdall - I didn't see that. I'm sorry. Would you please come down to the
853 microphone, sir. I'm sorry, I didn't see your hand. State your name for the record, please.

854 Mr. Moorehead - I'm Charles Moorehead. I'm president of Bennett Funeral Home, the
855 adjacent lot owner there. We have not seen, and I can't see from the back, what this is going
856 to entail. The fence that the lady is referring to is supposed to take care of the noise that was
857 brought up some time ago. Also, the traffic area through.... Our property goes from the street
858 behind us through to Broad Street. Our problem that we have is people cutting through there.
859 So, with the other dealership, that's up the street, what we did we was we put up gates and
860 tried to close off the gates. But, you can't stop the folks from going through there during our
861 hours and during the regular normal hours. Our concern is the fact that when they test these
862 cars, they are talking about testing them on their on property, but we all know that they are
863 going to want to take them out on the road also. And, if they cut through there, our concern is
864 for our clients going across to get in their cars that we are going to have a serious problem
865 there. So, we would like to see exactly.... Is this going to be like a, excuse my ignorance for
866 not knowing what to call it, but like a mud bog type of situation where you go up and over
867 different things? I couldn't see that from back there.

868

869 Mr. Branin - I'm going to ask the applicant to come forward.

870

871 Mr. Wilton - Good morning. For the record, my name is Henry Wilton and I'm here
872 with Dan Caskie with Bay Engineering. I'm representing the applicant. Hopefully, Mr.
873 Moorehead can go ahead and see what we are proposing here. There are not a lot of people
874 going to be using this. I bought a Hummer III and there is no way I'm going to go test a car
875 like that. I don't know how many people are going to do it, but we don't expect a lot of
876 people back there. As far as the cut-thru, I wouldn't expect any of the traffic to go there.
877 There would be no reason to cut through the funeral home. If you can see, there is an eight-
878 foot wall. What we tried to do with that was to protect the funeral home. We backed up to his
879 driveway, and we wanted to go ahead and make sure that he wasn't compromise by seeing a
880 lot of vehicles going up and down. Again, there will be a minimum number of vehicles right
881 there.

882

883 The other part is that we are planting against the masonry wall so there will be foliage against
884 the masonry wall too. We also mitigated it, and the engineer is here today, to take in any of
885 the higher profile rock or whatever that the vehicle would have to go through is in the front,
886 not against the back area. So, I think we have minimized that area. I don't know how to go
887 ahead and say that nobody is going to cut through your parking lot, that's private property.
888 You did say that there is a gate back there. And, again, I don't expect, and certainly we will
889 tell Mr. Moore about his concern, but I would not think that if they want to test drive, I would
890 think that they are going to be going out to Broad Street via Dominion Boulevard and taking it
891 out that way. There is no mud bog or anything. The engineer would have to explain that part.
892 He is here.

893

894 Mr. Caskie - No, there is no mud bog, it's not a tractor pull or anything like that.

895

896 Mr. Vanarsdall - Would you give us your name, please.

897 Mr. Caskie - I'm sorry, I'm Dan Caskie with Bay Design Group. Basically, what we
898 have are four or five, actually, I think five or six implements that GM requires as part of a
899 Hummer dealership. Small inclines, a "V ditch." There are no water features on this one.
900 They do have those available but the owner decided that he did not want to deal with that. It's
901 a very controlled situation. It's not open to the public. And, as Christina said, it's fenced in. It
902 will be used occasionally when someone wants to test drive a Hummer through there.

903

904 Mr. Branin - Thank you. Mr. Moorehead, does that satisfy your concern or would
905 you like to have a little more discussion with Mr. Wilton and the engineer?

906

907 Mr. Moorehead - The only thing I would like to say is, we have had a problem with the
908 noise. The Firestone people, when they built over there, yes, we were the first people out
909 there, headed toward Charlottesville, the Firestone people were proffered that they would keep
910 their back doors pulled down during working hours. Well, they haven't, and the noise, the tat,
911 tat, tat of the air wrenches and so forth and that's why it was just our concern. And our
912 concern is the fact that there is going to be a lot of noise and traffic generated through our
913 property. I have my safety director here and we are now in the process of, we are going to try
914 speed bumps. The gates, yes, that does well at night, after hours and before hours, but it
915 doesn't do anything in the daytime. And there is not any way you can police that by keeping
916 someone at each entrance. So, that's been our concern. But, these folks here, if they keep it
917 to a minimum, then we will go along with it. We don't want to....

918

919 Mr. Branin - Mr. Moorehead, you do understand that what we are looking at here is
920 this demonstration area or this test area, and there just aren't that many Hummers sold. The
921 Hummer Dealership doesn't let just anybody walk in and do a test. You have to purchase one
922 to do a test. So, I think, from what I understand, it's going to be limited use.

923

924 Mr. Moorehead - All right, sir. We will take your word for it.

925

926 Mr. Branin - Well, I'm taking their word for it.

927

928 Mr. Moorehead - That's what I was afraid of.

929

930 Mr. Kaechele - Let me also say, Mr. Moorehead, you know and we know, that you are
931 in a high density, lot of traffic area there, and there are some citizens that are going to take that
932 short cut.

933

934 Mr. Moorehead - Yes, we understand that. What we are going to try to do, Mr. Kaechele,
935 is we are going to try to own our property. We are going to try to slow these folks down. We
936 know that there is no way to stop them, but we do have the gates. We have the "No
937 Thoroughfare" signs, and we have been working to try to figure some way in which to do that.
938 But, as you know, since they cut off the...they turn in there, then everyone has got to go down
939 to Dominion Boulevard, come around, come through the back and some cases we take the
940 funerals out that way. So, they are going to have a little problem with our traffic also but our
941 traffic is controlled by Police officers.

942 Mr. Branin - So, you are okay?
943

944 Mr. Moorehead - Yes, we will try to live with it, okay.
945

946 Mr. Vanarsdall - Mr. Moorehead, Firestone, have you ever reported those doors being
947 open?
948

949 Mr. Moorehead - Yes, sir. In fact, instead of going the legal route, we went over and
950 talked to the folks about it.
951

952 Mr. Vanarsdall - Have you ever reported it to anyone in the County?
953

954 Mr. Moorehead - No, sir. We talked to them individually.
955

956 Mr. Vanarsdall - The reason I'm asking you that question, there may be, and I don't know
957 this, but there may be a proffer on the case that says the "doors should be closed at all times."
958 We try to put that on every case we can. So, if they are in violation, you can call the
959 Community Maintenance Department.
960

961 Mr. Moorehead - The Community Maintenance Department?
962

963 Mr. Vanarsdall - Yes, Henrico Community Maintenance Department. Do you have the
964 number, Dave?
965

966 Mr. O'Kelly - Staff will follow up, Mr. Chairman.
967

968 Mr. Vanarsdall - Mr. O'Kelly promise that the staff will follow up on that.
969

970 Mr. Moorehead - Thank you.
971

972 Mr. Kaechele - But, the agreement to increase the height of the fence another two feet
973 along your property line....
974

975 Mr. Moorehead - Yes, that will help.
976

977 Mr. Kaechele - And that's exactly what it's for.
978

979 Mr. Moorehead - And the extra shrubbery, sometimes the shrubbery, if it gets tall enough,
980 does more than the fence will.
981

982 Mr. Branin - Mr. Wilton and I had that discussion because the original proposed
983 fence, we've put that height up to protect you. And Mr. Wilton and I spoke just this morning
984 about dense vegetation which will buffer the noise. They are taking all of the precautions they
985 can.
986

987 Mr. Moorehead - Is this vegetation, is it going to be high or grow to height?
988

989 Mr. Branin - It will be both high and standard shrubbery.
990

991 Mr. Moorehead - Okay. Thank you.
992

993 Mr. Branin - Thank you, Mr. Moorehead.
994

995 Mr. Moorehead - Thank you, Mr. Chairman.
996

997 Mr. Vanarsdall - Thank you. Thank everybody. Are there any more questions by
998 Commission members? Okay. Go ahead, Mr. Branin.
999

1000 Mr. Branin - With that, Mr. Chairman, I would like to move for approval of
1001 LP/POD-2-05, Moore Hummer, according to staff's recommendation and standard conditions
1002 subject to annotations on the plans including additional conditions Nos. 6 and 7.
1003

1004 Mr. Archer - Second, Mr. Chairman.
1005

1006 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Archer. All
1007 in favor say aye...all opposed say nay. The motion carries.
1008

1009 The Planning Commission approved the landscape plan and the vehicle demonstration area for
1010 LP/POD-2-05, Moore Hummer, subject to the annotations on the plans, the standard
1011 conditions for landscape plans, and the following additional conditions:
1012

1013 6. The applicant, at the discretion of Public Works Design Division, will submit a revised
1014 plan of development for grading and drainage changes prior to installation of the
1015 vehicle demonstration obstacles.

1016 7. The brickcrete wall shall be 8 feet in height.
1017

1018 **PLAN OF DEVELOPMENT, LIGHTING PLAN & TRANSITIONAL BUFFER DEVIATION**
1019

POD-62-05
Towne Center West -
W. Broad Street

Timmons Group for Towne Center - West, LLC: Request for approval of a plan of development, lighting plan and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code, to construct a 77,647 square foot shopping center. The 41.9-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 500 feet east of N. Gayton Road on parcels 734-764-6330, 734-764-8352, 735-764-6278, 736-764-1973, 735-764-1287 and 735-764-4320. The zoning is B-2C, Business District (Conditional), R-6C, General Residence District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

1020 Mr. Vanarsdall - We will need two motions on this case. Is there anyone in the audience
1021 in opposition to POD-62-05, Towne Center West, in the Three Chopt District? Good
1022 morning, Mr. Wilhite.

1023

1024 Mr. Wilhite - Good morning and thank you, Mr. Chairman. This is the first phase of a
1025 shopping center proposed on this property. The first phase involves four buildings. It also
1026 involves the construction of a private road leading from W. Broad Street to the four building
1027 and the parking areas. And, also the improvement of an existing private road from the west
1028 that intersects with N. Gayton Road. There is a request for a transitional buffer deviation with
1029 this case. The shopping center backs up to some multi-family zoned property that will be
1030 developed in the future. It was a part of the original rezoning case. At that time, they had
1031 proffered a 25-foot buffer with transitional buffer 35 planting within that 25-foot buffer. Code
1032 requires a 25-foot buffer but because it is in the West Broad Street Overlay District there is a
1033 15-foot enhancement included for a total of 40 feet. So, the applicant is requesting that the
1034 buffer deviation be as written in the proffer conditions.

1035

1036 The architectural and the site lighting plan at this point aren't ready to go forward. The
1037 applicant has requested that that part of the package be deferred until your meeting on
1038 November 16. The site plan, the staff can recommend approval with the annotations on the
1039 plan, the standard conditions and miscellaneous conditions, plus on page three of your
1040 addendum there are three added conditions that staff is recommending. Number 39 deals with
1041 vacation of the existing 30-foot utility easement on the property. It would have to be done
1042 prior to issuance of building permits. Number 40 deals with evidence of the right to access
1043 Henley Lane which is a private drive that runs along the western property line. And, number
1044 41 requires them to submit an amenities plan as required by proffer and this would be included
1045 with the landscape plan at a future date. I'll be happy to answer any questions that you have.

1046

1047 Mr. Vanarsdall - Are there any questions for Mr. Wilhite?

1048

1049 Mrs. Jones - I have a quick questions, two things. Number 25 and number 32 deal
1050 with outside storage, are they mutually exclusive? Why do we have both of those listed
1051 separately? Number 25 is "No merchandise shall be displayed or stored outside of the building
1052 or on the sidewalk." I realize that's for sidewalk sales and that kind of thing, but....

1053

1054 Mr. Wilhite - Right. Number 25 is a standard condition that we have for shopping
1055 center developments. It probably would have been better to combine the two. Number 32
1056 addresses items other than merchandise. So, for storage of equipment and other things that are
1057 not for....

1058

1059 Mrs. Jones - Or an outside refrigerator for restaurants, that kind of thing, is that what
1060 you are talking about?

1061

1062 Mr. Wilhite - Yes, that sort of thing. There are other items too. It would probably
1063 work better if it were combined together.

1064

1065 Mrs. Jones - How about loud speakers, is that covered in here, anywhere, or does it
1066 needs to be, do you think?
1067

1068 Mr. Wilhite - I would have to check through the proffers. There are extensive proffers
1069 on this site and I'm not sure if it addresses loud speakers or not.
1070

1071 Mr. Vanarsdall - That's a good point, for where it's located. It could be in the proffer.
1072

1073 Mr. Wilhite - Yes. There is a proffer No. 12 that addresses outdoor speakers. It
1074 states: Unless otherwise required by law, no public address or speaker systems outside of any
1075 building shall be permitted.
1076

1077 Mrs. Jones - I'm sorry, I should have gone back and reread that, sorry. Thank you.
1078

1079 Mr. Vanarsdall - Mrs. Jones, any time you want to put that on your own case, be careful
1080 about, required by law. In our district we have to strike that out because that's the catchall.
1081 They either are going to have them or they are not going to have them. It's just a suggestion.
1082

1083 Mrs. Jones - Okay. Thank you.
1084

1085 Mr. Vanarsdall - Are there any more questions for Mr. Wilhite? All right, Mr. Branin.
1086

1087 Mr. Branin - I have to make two motions, sir. First, I move for approval of the
1088 transitional buffer deviation for POD-62-05, Towne Center West.
1089

1090 Mr. Jernigan - Second.
1091

1092 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
1093 in favor say aye...all opposed say nay. The motion carries.
1094

1095 Mr. Branin - And the next one is long, Mr. Chairman. I move for approval of POD-
1096 62-05, Towne Center West, including the standard conditions, staff's recommendations,
1097 including conditions Nos. 34 through 38, as well as the lighting and architectural plans being
1098 deferred to the November 16 meeting date.
1099

1100 Mr. Vanarsdall - Plus, you've got additional conditions Nos. 39, 40 and 41 on the
1101 addendum, page 3.
1102

1103 Mr. Branin - I'm sorry, including Nos. 39, 40 and 41 from the addendum.
1104

1105 Mr. Jernigan - Second, Mr. Chairman.
1106

1107 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
1108 in favor say aye...all opposed say nay. The motion carries.
1109

1110 The Planning Commission approved the site plan for POD-62-05, Towne Center West, subject
1111 to the annotations on the plans, the standard conditions attached to these minutes for
1112 developments of this type, and the following additional conditions. The Planning Commission
1113 also deferred the lighting and architectural plans for POD-62-05, Towne Center West, to its
1114 November 16, 2005, meeting.

1115

1116 24. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent
1117 of the total site area.

1118 25. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

1119 26. The right-of-way for widening of W. Broad Street (U.S. Route 250) as shown on
1120 approved plans shall be dedicated to the County prior to any occupancy permits being
1121 issued. The right-of-way dedication plat and any other required information shall be
1122 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
1123 occupancy permits.

1124 27. The easements for drainage and utilities as shown on approved plans shall be granted to
1125 the County in a form acceptable to the County Attorney prior to any occupancy permits
1126 being issued. The easement plats and any other required information shall be submitted
1127 to the County Real Property Agent at least sixty (60) days prior to requesting
1128 occupancy permits.

1129 28. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be
1130 approved by the Virginia Department of Transportation and the County.

1131 29. A notice of completion form, certifying that the requirements of the Virginia
1132 Department of Transportation entrances permit have been completed, shall be submitted
1133 to the Department of Planning prior to any occupancy permits being issued.

1134 30. The developer shall provide fire hydrants as required by the Department of Public
1135 Utilities and Division of Fire.

1136 31. A standard concrete sidewalk shall be provided along the north side of W. Broad Street.

1137 32. Outside storage shall not be permitted.

1138 33. The proffers approved as a part of zoning case C-49C-04 shall be incorporated in this
1139 approval.

1140 34. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1141 a form acceptable to the County Attorney prior to final approval of the construction
1142 plans.

1143 35. Deviations from County standards for pavement, curb or curb and gutter design shall be
1144 approved by the County Engineer prior to final approval of the construction plans by
1145 the Department of Public Works.

1146 36. Approval of the construction plans by the Department of Public Works does not
1147 establish the curb and gutter elevations along the Virginia Department of Transportation
1148 maintained right-of-way. The elevations will be set by the contractor and approved by
1149 the Virginia Department of Transportation.

1150 37. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
1151 Department of Planning and approved prior to issuance of a certificate of occupancy for
1152 this development.

1153 38. The location of all existing and proposed utility and mechanical equipment (including
1154 HVAC units, electric meters, junction and accessory boxes, transformers, and

1190 Mr. Vanarsdall - Are there any questions of Mr. Wilhite, by the Commission? No
1191 questions. Would you like to hear from the applicant, Mr. Branin?

1192

1193 Mr. Branin - No, I don't think it's necessary.

1194

1195 Mr. Vanarsdall - All right, entertain a motion.

1196

1197 Mr. Branin - Mr. Chairman, I move for approval of POD-67-05, Kan Pai Restaurant
1198 at Towne Center West, per staff's recommendations and standard conditions including
1199 additional conditions Nos. 24 through 36 and No. 37 on the addendum.

1200

1201 Mr. Archer - Second.

1202

1203 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Archer. All
1204 in favor say aye...all opposed say nay. The motion carries.

1205

1206 The Planning Commission approved POD-67-05, Kan Pai Restaurant at Towne Center West,
1207 subject to the annotations on the plans, the standard conditions attached to these minutes for
1208 developments of this type, and the following additional conditions:

1209

1210 24. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent
1211 of the total site area.

1212 25. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

1213 26. The right-of-way for widening of W. Broad Street (U.S. Route 250) as shown on
1214 approved plans shall be dedicated to the County prior to any occupancy permits being
1215 issued. The right-of-way dedication plat and any other required information shall be
1216 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
1217 occupancy permits.

1218 27. The easements for drainage and utilities as shown on approved plans shall be granted to
1219 the County in a form acceptable to the County Attorney prior to any occupancy permits
1220 being issued. The easement plats and any other required information shall be submitted
1221 to the County Real Property Agent at least sixty (60) days prior to requesting
1222 occupancy permits.

1223 28. The developer shall provide fire hydrants as required by the Department of Public
1224 Utilities and Division of Fire.

1225 29. A standard concrete sidewalk shall be provided along the north side of W. Broad Street.

1226 30. Employees shall be required to use the parking spaces provided at the rear of the
1227 building(s) as shown on the approved plans.

1228 31. Outside storage shall not be permitted.

1229 32. The proffers approved as a part of zoning case C-49C-04 shall be incorporated in this
1230 approval.

1231 33. The developer shall install an adequate restaurant ventilating and exhaust system to
1232 minimize smoke, odors, and grease vapors. The plans and specifications shall be
1233 included with the building permit application for review and approval. If, in the
1234 opinion of the County, the type system provided is not effective, the Commission

- 1235 retains the rights to review and direct the type of system to be used.
- 1236 34. Deviations from County standards for pavement, curb or curb and gutter design shall be
 1237 approved by the County Engineer prior to final approval of the construction plans by
 1238 the Department of Public Works.
- 1239 35. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 1240 Department of Planning and approved prior to issuance of a certificate of occupancy for
 1241 this development.
- 1242 36. The location of all existing and proposed utility and mechanical equipment (including
 1243 HVAC units, electric meters, junction and accessory boxes, transformers, and
 1244 generators) shall be identified on the landscape plans. All equipment shall be screened
 1245 by such measures as determined appropriate by the Director of Planning or the
 1246 Planning Commission at the time of plan approval.
- 1247 37. Construction plans for this project shall not be approved by the Director of Planning
 1248 until the construction plans for development on the adjacent property, which provides a
 1249 means of vehicular access to this site, have been approved.

1250
 1251 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

1252

1253 1254 <u>Mr. O’Kelly</u> - 1255 probably bring that to your attention. 1256 1257 <u>Mr. Strauss</u> - 1258 1259 <u>Mr. Vanarsdall</u> - 1260 Hotel @ Reynolds Crossing, in the Three Chopt District? No opposition. Mr. Strauss. 1261 1262 <u>Mr. Strauss</u> - 1263 Commission. This request for approval of a plan of development for a seven-story hotel is the 1264 first project for the larger development area, some 71 acres, of a development that will 1265 ultimately include office buildings and retail uses. The Commission may recall that the entire 1266 71 acres was the subject of a rezoning called Reynolds Development, a redevelopment of the 1267 Reynolds Metals Headquarters that was approved by the Board of Supervisors in February.	Vanasse, Hangen, Brustlin, Inc. for Reynolds Development, LLC: Request for approval of a plan of development and special exception for building height and stories, as required by Chapter 24, Sections 24-59 and 24-106 of the Henrico County Code, to construct a seven-story, 165,092 square foot hotel. The 10.85-acre site is located on the Reynolds property on the north line of Forest Avenue at the intersection with W. Broad Street (U. S. Route 250) on part of parcels 767-744-9052, 767-745-5402, 767-744-3162, 766-745-8230 and 765-744-6552. The zoning is B-2C, Business District (Conditional), O-3C, Office District (Conditional) and M-1, Light Industrial District. County water and sewer. (Three Chopt)
---	--

1268

1269 The hotel is seven stories. Three stories are allowed in the B-2 District unless a special
1270 exception for height is granted, so a separate motion for approval of the special exception is
1271 required for this case.

1272

1273 In addition, the staff had a number of questions regarding the architectural design and new
1274 information was delivered to the Planning Office this week. So, the waiver of time limits
1275 would be in order as well.

1276

1277 The plan was revised at staff's request to include 20 additional parking spaces that's in this
1278 morning's addendum. The new information regarding the architectural design and proposal of
1279 this hotel is displayed on several boards which were just placed on the front row. The
1280 architects are proposing stone and granite panels along the ground level entrance of the port
1281 cochere and there is a smoke blue-gray glass and metal paneling as well as beige colors of
1282 EIFS and Drivit paneling. The architect from Thomas Hamilton is here today to discuss any
1283 additional questions you may have regarding the architectural design.

1284

1285 The Department of Public Works and VDOT are recommending approval of this POD. There
1286 is a schedule of road improvements to be done with the various phases of this development.
1287 The improvements for Forest Avenue will be done at this time with the hotel. There are
1288 representatives of VHB here and the civil engineer is also here and I understand we have some
1289 neighbors here but I don't think that they are in opposition, I'll be happy to answer any
1290 questions you may have.

1291

1292 Mr. Vanarsdall - Are there any questions for Mr. Strauss by Commission members?

1293

1294 Mr. Kaechele - How many stories is this?

1295

1296 Mr. Strauss - Seven stories and 263 rooms.

1297

1298 Mr. Vanarsdall - You had some concern in the beginning about the architectural treatment.
1299 Are you comfortable about that now?

1300

1301 Mr. Strauss - Yes. The architect was brought on board during the review period and
1302 Angela, she's here today, we have boards here that have the stone sample which are going to
1303 be at the port cochere, you can see that there (referring to boards on display). There is granite
1304 proposed and panels along the first floor. Here is the corners of EIFS and Drivit which are
1305 going to be on the upper stories. And, of course, being upper stories there is a weight factor
1306 associated with building materials so you have to use the lighter material higher up.

1307

1308 We had a number of conversations about the architectural design. We are happy with what we
1309 are seeing here today. The other concern that we had was with parking. There is a meeting
1310 conference component to this hotel. There are some 14,000 square feet of restaurant and
1311 meeting area. We wanted to get the additional spaces and there is a handout plan in your
1312 addendum this morning that includes the 20 extra spaces that we are trying to get. So, I would

1313 say that we are in pretty good shape this morning.

1314

1315 Mr. Vanarsdall - When they laid those posters out, Mr. Archer said we are going back to
1316 the old day. It reminds me of one time, and I think you will remember this. Webb Tyler
1317 came in and had them from the end of this row to this row here (referring to the row of seats
1318 in the audience). All right. Are there any questions for Mr. Strauss?

1319

1320 Mr. Branin - Mr. Chairman, would you like to hear from the applicant?

1321

1322 Mrs. Jones - I have a quick question. Do you happen to know, just by chance, how
1323 many stories the buildings are over in the Brookfield complex?

1324

1325 Mr. Strauss - No, I don't.

1326

1327 Mr. Vanarsdall - Are you talking about the Sheraton?

1328

1329 Mrs. Jones - Yes. Are they more than seven stories?

1330

1331 Mr. O'Kelly - Yes. I think the Genworth Building, which was the former Life of
1332 Virginia building, is eight stories, but perhaps the applicant, in their presentation for this
1333 request for special exception, will talk about that, hopefully.

1334

1335 Mrs. Jones - Thank you.

1336

1337 Mr. Vanarsdall - How many rooms did you say?

1338

1339 Mr. Strauss - There are 263 rooms.

1340

1341 Mr. Vanarsdall - Thank you, Jim. Mr. Branin.

1342

1343 Mr. Branin - I would like to hear from the applicant.

1344

1345 Mr. Vanarsdall - Is the applicant here? Come on down to the microphone, please, and
1346 state your name for the record? I have a question before you even get to the microphone. Go
1347 ahead and identify yourself.

1348

1349 Mr. Reynolds - Good morning. My name is Sarge Reynolds and I am a partner in the
1350 Reynolds Crossing and the applicant.

1351

1352 Mr. Vanarsdall - Where else do.... Go ahead and identify yourself.

1353 Mr. Mitchell - Good morning. I'm Mitch Mitchell with VHB, the engineer for the
1354 project.
1355

1356 Mr. Vanarsdall - Where else do you have a Westin Hotel in Virginia? Tyson Corner.
1357

1358 Mr. Reynolds - I believe so, yes, sir. And I believe they are building one in Virginia
1359 Beach, as well.
1360

1361 Mr. Vanarsdall - I was thinking down Tidewater. Thank you.
1362

1363 Mr. O'Kelly - Mr. Mitchell, the ordinance permits three story buildings and 45 feet in
1364 height in the B-2 district and this request is for seven stories. Can you tell us a little bit about
1365 what you need the seven stories for?
1366

1367 Mr. Mitchell - The seven stories is basically needed for the rooms. In order to occupy
1368 it, the 263 rooms are needed to raise the building. But, we also added additional setback per
1369 the ordinance and provided that to Mr. Strauss to satisfy the additional height requirement, in
1370 order to accompany that additional height requirement and provide additional setback. Where
1371 it is 69 feet now from the rear right-of-way.
1372

1373 Mr. O'Kelly - Are you familiar with some of the surrounding buildings and perhaps
1374 what the height of those buildings may be?
1375

1376 Mr. Reynolds - You mentioned the Genworth building which I guess is eight stories. I
1377 know the Southern States building in the back is probably at least seven or eight stories, I'm
1378 not positive. And then you have Paragon right down the street that I believe is, I don't know
1379 how many stories, but certainly more than four. Those are the only ones that I am aware of.
1380

1381 Mr. O'Kelly - How about the historic Reynolds building?
1382

1383 Mr. Reynolds - Well, the general office building that we own now is seven stories. The
1384 historic building across the street is three stories.
1385

1386 Mr. Mitchell - So, with it being right adjacent to the Reynolds building this won't be far
1387 out of character, height wise.
1388

1389 Mr. Reynolds - Next to the general office building, what Reynolds Metal used to call the
1390 general office building. No, it will probably be the same height. It might even be...because
1391 it's done the hill a little bit, it might even be, as far as visual, it might even be lower.
1392

1393 Mr. Kaechele - Well, that property drops off quite a bit from Forest Avenue. It's
1394 probably a story or more.
1395

1396 Mr. Reynolds - Like I said, I think a precedence has certainly been set over there for
1397 multi-story buildings.

1398 Mr. Vanarsdall - Where is the entrance going to be in relation to where those building are
1399 like where the Commonwealth, where the doctors are, Dr. Bannon and....
1400
1401 Mr. Reynolds - The entrance to the hotel.... When you come into the complex from
1402 Broad Street the entrance we will be cutting a new road in before you get to that building to go
1403 back to the hotel. The doctors will still go up to the next....
1404
1405 Mr. Vanarsdall- I thought it looked like that on the map. Thank you.
1406
1407 Mr. Reynolds - Yes, sir.
1408
1409 Mr. Kaechele - There is also a possibility that there will be another building between the
1410 hotel and Forest Avenue, before it's all over, right?
1411
1412 Mr. Mitchell - There are two outparcels out front there and we have a right-in only.
1413
1414 Mr. Vanarsdall - The O-3 is on the corner.
1415
1416 Mr. Mitchell - Yes, sir.
1417
1418 Mr. Branin - I have no further questions, Mr. Chairman.
1419
1420 Mr. Vanarsdall - Anybody else have any questions? All right, we will entertain a motion
1421 for the special exception first, I guess.
1422
1423 Mr. Branin - I can make that one my first one. Mr. Chairman, I move for approval
1424 for the special exception for height for POD-63-05, Westin Hotel @ Reynolds Crossing.
1425
1426 Mr. Jernigan - Second.
1427
1428 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
1429 in favor say aye...all opposed say nay. The motion carries.
1430
1431 The Planning Commission approved the special exception for building height and stories for
1432 POD-63-05, Westin Hotel @ Reynolds Crossing.
1433
1434 Mr. Branin - Mr. Chairman, I would like to waive the time limits for POD-63-05,
1435 Westin Hotel @ Reynolds Crossing.
1436
1437 Mr. Jernigan - Second.
1438
1439 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
1440 in favor say aye...all opposed say nay. The motion carries.

1441 The Planning Commission waived the time limits for the architectural plans for POD-63-05,
1442 Westin Hotel @ Reynolds Crossing.

1443

1444 Mr. Branin - Mr. Chairman, I move for approval of POD-63-05, Westin Hotel @
1445 Reynolds Crossing, in accordance with staff's recommendation, annotations and items Nos. 24
1446 through 35.

1447

1448 Mr. Jernigan - Number 25 is revised on the addendum.

1449

1450 Mr. Branin- And No. 25 revised as shown on the addendum.

1451

1452 Mr. Jernigan - Second.

1453

1454 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
1455 in favor say aye...all opposed say nay. The motion carries.

1456

1457 The Planning Commission approved POD-63-05, Westin Hotel @ Reynolds Crossing, subject
1458 to the annotations on the plans, the standard conditions attached to these minutes for
1459 developments of this type, and the following additional conditions:

1460

1461 24. The site including paving, pavement markings, signage, curb and gutter, dumpster
1462 screens, walls, fences, lighting and other site improvements shall be properly
1463 maintained in good conditions at all times. Any necessary repairs shall be made in a
1464 timely manner.

1465 25. The right-of-way for widening of W. Broad Street (U.S. Route 250) as shown on
1466 approved plans shall be dedicated to the County prior to any occupancy permits being
1467 issued. The right-of-way dedication plat and any other required information shall be
1468 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
1469 occupancy permits.

1470 26. The easements for drainage and utilities as shown on approved plans shall be granted to
1471 the County in a form acceptable to the County Attorney prior to any occupancy permits
1472 being issued. The easement plats and any other required information shall be submitted
1473 to the County Real Property Agent at least sixty (60) days prior to requesting
1474 occupancy permits.

1475 27. The developer shall provide fire hydrants as required by the Department of Public
1476 Utilities and Division of Fire.

1477 28. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be
1478 approved by the Virginia Department of Transportation and the County.

1479 29. A standard concrete sidewalk shall be provided along the north side of Forest Avenue.

1480 30. Outside storage shall not be permitted.

1481 31. The proffers approved as a part of zoning case C-22C-04 shall be incorporated in this
1482 approval.

1483 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1484 a form acceptable to the County Attorney prior to final approval of the construction
1485 plans.

- 1486 33. Deviations from County standards for pavement, curb or curb and gutter design shall be
 1487 approved by the County Engineer prior to final approval of the construction plans by
 1488 the Department of Public Works.
- 1489 34. Approval of the construction plans by the Department of Public Works does not
 1490 establish the curb and gutter elevations along the Henrico County maintained right-of-
 1491 way. The elevations will be set by Henrico County.
- 1492 35. The location of all existing and proposed utility and mechanical equipment (including
 1493 HVAC units, electric meters, junction and accessory boxes, transformers, and
 1494 generators) shall be identified on the landscape plans. All equipment shall be screened
 1495 by such measures as determined appropriate by the Director of Planning or the
 1496 Planning Commission at the time of plan approval.

1497

1498 **PLAN OF DEVELOPMENT**

1499

POD-65-05 BMG Metals – Masonic Lane (POD-7-97 Revised)	Engineering Design Associates for BB&T Investors, 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 Phase 1, 16,500 square foot shop/warehouse addition and a Phase 2, 24,750 square foot shop/warehouse addition. The 10.13-acre site is located at 950 Masonic Lane on parcels 808-719-5752 and 7719. The zoning is M-2, General Industrial District. County water and sewer. (Varina)
--	--

1500

1501 Mr. Vanarsdall - Is there anyone in the audience in opposition to POD-65-05, BMG
 1502 Metals in the Varina District? No opposition. Ted, we are operating off of the plan dated to
 1503 day, right?

1504

1505 Mr. McGarry - That is correct. A revised plan has been handed out to you. Basically, it
 1506 contains the annotations in the plan that was not included in the plan in your packet. The
 1507 geometry has not changed. The first concern that staff identified in its staff report was the
 1508 parking calculations had not been received. We have since received them and they are
 1509 acceptable. Secondly, the landscaping I believe has been resolved also as indicated in
 1510 condition No. 30 which is a revised No. 30 that is included in your addendum. It essentially
 1511 clarifies the type of trees and the spacing of them within the landscaped area that the staff is
 1512 recommending. Staff can recommend approval of the revised plan subject to the standard
 1513 conditions, additional conditions Nos. 24 through 30 with No. 30 revised as shown on your
 1514 addendum. Staff will be happy to answer any questions.

1515

1516 Mr. Vanarsdall - Are there any questions for Mr. McGarry?

1517

1518 Mr. Jernigan - Mr. Chairman, the only thing that was holding up this case was the
 1519 landscaping and the parking and we had a bond issue on that too which has all been cleared up.

1520

1521 Mr. Vanarsdall - Okay. That's good.

1522 Mr. Jernigan - I don't need to hear from the developer.
1523

1524 Mr. Vanarsdall - All right. Well, I'll entertain a motion then.
1525

1526 Mr. Jernigan - With that, I will move for approval of POD-65-05, BMG Metals on
1527 Masonic Lane, subject to the standard conditions for developments of this type and the
1528 following additional conditions Nos. 24 through 30 and No. 30 being revised on the addendum
1529 and staff's recommendation.
1530

1531 Mrs. Jones - Second.
1532

1533 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mrs. Jones. All
1534 in favor say aye...all opposed say nay. The motion passes.
1535

1536 The Planning Commission approved POD-65-05, BMG Metals (POD-7-97 Revised) subject to
1537 the annotations on the plan, the standard conditions attached to these minutes for developments
1538 of this type, and the following additional conditions.
1539

1540 24. The developer shall provide fire hydrants as required by the Department of Public
1541 Utilities and Division of Fire.

1542 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in
1543 a form acceptable to the County Attorney prior to final approval of the construction
1544 plans.

1545 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
1546 approved by the County Engineer prior to final approval of the construction plans by
1547 the Department of Public Works.

1548 27. Insurance Services Office (ISO) calculations must be included with the plans and
1549 contracts and must be approved by the Department of Public Utilities prior to the
1550 issuance of a building permit.

1551 28. Approval of the construction plans by the Department of Public Works does not
1552 establish the curb and gutter elevations along the Henrico County maintained right-of-
1553 way. The elevations will be set by Henrico County.

1554 29. The location of all existing and proposed utility and mechanical equipment (including
1555 HVAC units, electric meters, junction and accessory boxes, transformers, and
1556 generators) shall be identified on the landscape plans. All equipment shall be screened
1557 by such measures as determined appropriate by the Director of Planning or the
1558 Planning Commission at the time of plan approval.

1559 30. In order to screen the loading docks from I-64, provide significant evergreen screening
1560 along the north side of the BMP with the Phase 1 landscape plan. Landscaping should
1561 be provided by Loblolly Pines planted 30 feet on center.

1562 **SUBDIVISION**

1563

Covey Run
(October 2005 Plan)
Church Road

Youngblood, Tyler & Associates, P.C. for Youngblood Properties, LLC: The 7.72-acre site proposed for a subdivision of 16 single-family homes is located on the south line of Church Road, approximately 123 feet west of Blandfield Street on parcels 738-754-4849 and 738-753-1882. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **(Tuckahoe) 16 Lots**

1564

1565 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Covey Run
1566 (October 2005 Plan) in the Tuckahoe District. No opposition. Good morning, Mr. Kennedy.

1567

1568 Mr. Kennedy - Good morning, members of the Commission. I'm glad that I'm able to
1569 speak today. I've got my voice back from surgery, thank you.

1570

1571 Mr. Vanarsdall - I heard you asked the doctor if you could sing opera.

1572

1573 Mr. Kennedy - He said I could sing opera but no one may not want to listen.

1574

1575 Mr. Vanarsdall - He told you could sing tenor, ten or twelve miles from his office.

1576

1577 Mr. Kennedy - The subdivision before you is substantially consistent with the proffered
1578 plan. The conditions of approval have been revised to address staff's concerns regarding
1579 impact of the subdivision on the adjoining property. The revision to condition No. 21 provides
1580 for the immediate dedication of right-of-way adjacent to the Rigsby's property prevent the
1581 ability for a spite strip to be developed there. So, based on what was previously shown as
1582 common area will now be additional right-of-way, and the developer would have a
1583 maintenance agreement for landscape improvements for within that common area, the area that
1584 was previously common area.

1585

1586 And the addition of condition No. 22 provides for additional right-of-way adjacent to the
1587 Rigsby's property. It permits grading without imposing on their property, so what was
1588 normally a 50-foot right-of-way will be a 55-foot right-of-way with an additional area for
1589 grading. Staff recommends approval for conditional approval of the plat subject to the
1590 annotations on the plan, standard conditions for subdivisions served by public utilities, and
1591 additional conditions Nos. 12 through 20 on the agenda and the revised condition No. 21 and
1592 added condition No. 22 on the addendum.

1593

1594 Mr. Vanarsdall - Are there any questions of Mr. Kennedy by Commission members?
1595 Would you like to hear from the applicant, Mrs. Jones?

1596

1597 Mrs. Jones - Not on this one, no.

1598

1599 Mr. Vanarsdall - Then I will entertain a motion.

1600 Mrs. Jones - Thank you, Mr. Kennedy. We did work out the areas of concern. So,
1601 with that, I would like to move for approval of subdivision Covey Run (October 2005 Plan)
1602 subject to the annotations on the plans and standard conditions for subdivisions served by
1603 public utilities and the additional conditions Nos. 12 through 21, No. 21 being revised and No.
1604 22 added on the addendum.

1605

1606 Mr. Jernigan - Second.

1607

1608 Mr. Vanarsdall - The motion was made by Mrs. Jones and seconded by Mr. Jernigan. All
1609 in favor say aye...all opposed say nay. The motion carries.

1610

1611 The Planning Commission granted conditional approval for subdivision Covey Run (October
1612 2005 Plan) subject to the annotations on the plans, the standard conditions attached to these
1613 minutes for subdivisions served by public utilities, and the following additional conditions:

1614

1615 12. Each lot shall contain at least 11,000 square foot, exclusive of the flood plain areas.

1616 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted
1617 on the plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate
1618 floodplain as a "Variable Width Drainage & Utilities Easement."

1619 14. The detailed plant list and specifications for the landscaping to be provided within the
1620 25-foot-wide planting strip easement along Church Road shall be submitted to the
1621 Department of Planning for review and approval prior to recordation of the plat.

1622 15. Any necessary offsite drainage easements must be obtained prior to approval of the
1623 construction plan by the Department of Public Works.

1624 16. The proffers approved as part of zoning case C-21C-05 shall be incorporated in this
1625 approval.

1626 17. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
1627 the maintenance of the common area by a homeowners association shall be submitted to
1628 the Department of Planning for review. Such covenants and restrictions shall be in form
1629 and substance satisfactory to the County Attorney and shall be recorded prior to
1630 recordation of the subdivision plat.

1631 18. The proposed BMP shall satisfy DPW safety design standards.

1632 19. Existing structures shall be demolished, and existing wells and drainfields abandoned
1633 prior to recordation of the plat.

1634 20. All filled areas located within the buildable area for a principal structure or accessory
1635 structure, may be developed with engineered fill. All material shall be deposited and
1636 compacted in accordance with the Virginia Uniform Statewide Building Code and
1637 geotechnical guidelines established by a professional engineer. A detailed engineering
1638 report shall be submitted for the review and approval by the Building Official prior to the
1639 issuance of a building permit on the affected lot. A copy of the report and
1640 recommendations shall be furnished to the Directors of Planning and Public Works.

1641 21. The common area at the southwest corner of Covey Run and Church Road shall be
1642 dedicated as additional right-of-way and the developer shall enter into a maintenance
1643 agreement with the Department of Public Works for entrance landscape features within
1644 the additional right-of-way.

1645 22. The right of way for Covey Run Drive shall be a minimum of 55 feet in width, with an
1646 offset centerline.

1647

1648 **SUBDIVISION & EXCEPTION**

1649

Falcon Rest
(October 2005 Plan)
Pump Road and
Falconbridge Road

Youngblood, Tyler & Associates, P.C. for Youngblood Properties, LLC: The 6.29-acre site proposed for a subdivision **and an exception pursuant to Section 19-4(a) of the Henrico County Code**, of 15 single-family homes is located on the west line of Pump Road, approximately 25 feet north of Falconbridge Drive on parcels 741-747-0388 (part) 741-747-7064 and 0773. The zoning is R-2AC, One-Family Residence District (Conditional). County water and sewer.
(Tuckahoe) 15 Lots

1650

1651 Mr. Vanarsdall - Is there anyone in the audience in opposition to subdivision Falcon Rest
1652 (October 2005 Plan) in the Tuckahoe District? No opposition. Ms. Goggin.

1653

1654 Ms. Goggin - There is a revised plan and an additional graphic for the exception request
1655 in your addendum. There is one outstanding issue with this subdivision. The applicant does
1656 request an exception from the 25-foot additional rear yard setback for lots adjacent to a major
1657 collector road for Lot 15. The proffers require that the 25-foot buffer along Pump Road is
1658 exclusive of setbacks. This creates a 95-foot building setback for Pump Road leaving a small
1659 buildable area for Lot 15. The developer has indicated that there will be enough buildable area for
1660 a custom design home if the additional 25-foot setback exception is granted by the Planning
1661 Commission. The setback exception should be a separate motion from the subdivision motion.
1662 The applicant as well as the Department of Public Works design representative is here, if you have
1663 any questions of them.

1664

1665 Should the Commission act on this request in addition to the standard conditions for subdivisions
1666 served by public utilities, the annotations on the revised plans and additional conditions Nos. 12
1667 through 17 on the agenda are recommended.

1668

1669 Mr. Vanarsdall - All right. Are there any questions of Ms. Goggin by Commission
1670 members?

1671

1672 Mrs. Jones - Ms. Goggin, it is my understanding that this is not a unique case that there
1673 have been other times when exceptions have been sort for a situation such as this. Is that correct?

1674

1675 Ms. Goggin - Yes, ma'am.

1676

1677 Mrs. Jones - And this is something that probably should have jumped out at someone,
1678 somewhere, along the line but unfortunately was not addressed through the process to this point,
1679 right?

1680

1681 Ms. Goggin - Yes, ma'am.
1682 Mrs. Jones - We need to be very, very, careful when allowing these exceptions. And for
1683 that reason, I wished it had been brought up earlier. I wished we could have worked this out
1684 through the rezoning case. I don't whether this is a good precedent to set. I'm concerned about
1685 that. The other Commissioners may have cases in their districts where they have done this before
1686 and so as one of the newer members you can educate me, but I find there needs to be an
1687 overwhelming reason to make an exception. I would like to have any staff discussion of the
1688 reasoning behind the exception and why you feel it is important to do this, in addition to what you
1689 have already said, if you haven't, if not, I would like to hear from the applicant.

1690

1691 Mr. Vanarsdall - Mr. O'Kelly.

1692

1693 Mr. O'Kelly - Mrs. Jones, maybe the only comment I would have is that, in considering
1694 this exception, if you believe if it were not granted that you would be denying all reasonable use of
1695 the property taken as a whole that might be something for you to consider. I would also
1696 recommend, after you hear from the applicant, if they would be in agreement, to modifying
1697 condition No. 13 requiring a detailed plan prior to recordation of the plat rather than final approval
1698 which may give us some more time to think through the type of dwelling that might be permitted
1699 or permissible on this lot. And give them more opportunity to think that through and design
1700 something appropriate for the lot.

1701

1702 Mrs. Jones - Than you for that suggestion. I would like to hear a response to that, that
1703 would be nice. Thank you.

1704

1705 Mr. Vanarsdall - All right. Come on down, Mr. Youngblood.

1706

1707 Mr. Youngblood - Good morning, Mr. Chairman, members of the Commission. I'm Dick
1708 Youngblood. That lot will be in the second phase of the development of this property. We have
1709 left this existing house there and we have left the original owner to be able to live in that house
1710 until, I think, June of this coming year. The first phase will be the 10 lots in the back. We
1711 weren't aware when we did the rezoning that we would have a 95-foot setback if we excluded the
1712 25-foot landscape buffer along Pump Road from the setback. So, when we were made aware of
1713 this we realized that the depth of the buildable area without this exception is extremely narrow,
1714 even though we have a wide buildable area. So, if you grant the exception I feel it would not be a
1715 problem to build a house because of the width that we have on this buildable area on this lot. As
1716 far as given you a plan before recordation I kind of hesitate to do that in that we are probably
1717 going to build this house for a custom house to somebody therefore we probably need to have the
1718 lot recorded prior to being able to sell the lot with a house on it. I'd say that we could maybe do a
1719 plan but not be held to that plan, prior to recordation.

1720

1721 Mr. Vanarsdall - In other words, you don't want to proffer the plan, but you would have
1722 more than what you have now?

1723

1724 Mr. Youngblood - Yes. These houses have gotten pretty expensive and everyone of them that
1725 she's built, my daughter is a builder out there, and everyone of them that she has built out there

1726 lately she has to do changes to the plan that she had originally started with on those lots. So, I
1727 don't want to be stuck with a plan that we are telling you we are going to build there when we end
1728 up having to modify that plan for a customer.

1729

1730 Mr. O'Kelly - My only concern is that, the way that the condition currently reads is that
1731 the plan has to be submitted prior to requesting final approval. I just think that's too early in the
1732 process.

1733

1734 Mr. Youngblood - Yes, I agree with that. We don't mind submitting a plan prior to
1735 recordation, but I don't want to be held to that plan as exactly have to be built.

1736

1737 Mr. O'Kelly - Well, it would not be a proffer.

1738

1739 Mr. Youngblood - Okay.

1740

1741 Mrs. Jones - So, you would submit a

1742

1743 Mr. Youngblood - I will submit a plan prior to the approval of that section for recordation,
1744 yes.

1745

1746 Mrs. Jones - The recordation of the plat for that.

1747

1748 Mr. Youngblood - Of that second section, right. The third section is what it would be. It
1749 would be Section C.

1750

1751 Mr. Vanarsdall - It would be a condition rather than a proffer.

1752

1753 Mr. Youngblood - Right.

1754

1755 Mrs. Jones - And I know the nature of Custom Homes, obviously you will need to have
1756 the buyer put their stamp on it.

1757

1758 Mr. Youngblood - The buyer is going to have a lot to say with what's going on.

1759

1760 Mrs. Jones - I realize that. But, as a sample, I think it is important for all of us to think
1761 through the situation of this house on this particular one lot through an unfortunate kind of a
1762 technical problem that has been create through neither one of our fault but we have to deal with it.

1763

1764 Mr. Youngblood - I agree.

1765

1766 Mrs. Jones - So, you will be willing to agree to the condition No. 13 reading: Prior to
1767 recordation of the plat of Section C.

1768

1769 Mr. Youngblood - Right.

1770

1771 Mr. Vanarsdall - We take out the words “final approval.”
1772
1773 Mrs. Jones - Yes, take out “requesting final approval” from that condition. Mr.
1774 Secretary, does that meet the intent of what you were suggesting?
1775
1776 Mr. O’Kelly - Yes, it does, Mrs. Jones.
1777
1778 Mrs. Jones - Okay.
1779
1780 Mr. Youngblood - Do you have any other questions while I’m here.
1781
1782 Mrs. Jones - We are just dealing with the exception for the moment.
1783
1784 Mr. Youngblood - Oh, okay.
1785
1786 Mrs. Jones - The other question that I have related to the exception was as this house is
1787 situated, obviously, it will be the Pump Road exposure will be considered the rear yard.
1788
1789 Mr. Youngblood - Yes, ma’am.
1790
1791 Mrs. Jones - Is it your thought, I just want to get your thought on this, that the house
1792 would be in some way angled so that it is not, or special buffering required, so that the
1793 homeowner have some privacy from that.
1794
1795 Mr. Youngblood - The house with this reduced depth for buildable area could not be angled.
1796 It could maybe a slight angle but not much of an angle. We have a big width, and we just don’t
1797 have that much depth and therefore the house would have to front on that cul-de-sac.
1798
1799 Mrs. Jones - Okay.
1800
1801 Mr. Vanarsdall - Thank you, Mr. Youngblood.
1802
1803 Mr. Youngblood - Thank you.
1804
1805 Mrs. Jones - I’m ready to entertain a motion as to the exception, if that’s suitable.
1806
1807 Mr. Vanarsdall - That’s fine.
1808
1809 Mrs. Jones - Again, I say I don’t think we do these things lightly but in the overall
1810 scheme of the subdivision to impose the extra 25 feet setback, would create a situation that would
1811 be out of kilter with the flow of the homes and the properties around the subdivision. I think it’s
1812 in the best interest of the subdivision as a whole and the area to ask for and to grant an exception
1813 from the 25-foot additional rear yard setback for lots adjacent to a major collector for Lot 15 of
1814 Falcon Rest. I move approval.
1815

1816 Mr. Jernigan - Second.

1817

1818 Mr. Vanarsdall - The motion was made by Mrs. Jones and seconded by Mr. Jernigan. All in
1819 favor say aye...all opposed say nay. The motion carries.

1820

1821 The Planning Commission approved the special exception for a 25-foot additional rear yard
1822 setback for lots adjacent to a major collector for Lot 15 of Falcon Rest (October 2005 Plan)
1823 subdivision.

1824

1825 Mrs. Jones - I just have a few additional questions for the applicant for the actual
1826 subdivision of Falcon Rest, if I may.

1827

1828 Mr. Vanarsdall - State your name again, Dick.

1829

1830 Mr. Youngblood - I'm Dick Youngblood.

1831

1832 Mrs. Jones - Mr. Youngblood, as you and I both know, this has been an interesting
1833 subdivision in that there have been neighbors that have been very attentive to every single
1834 phase of our conversations about this. So, I just want to make sure as we come to subdivision
1835 approval that, as you and I discussed, the drainage in the back, would you please reiterate the
1836 lots adjoining Whitaker Woods and Wellington. We've discussed the drainage situation, public
1837 versus private, would you just state the final line on that?

1838

1839 Mr. Youngblood - Well, we have given a 20-foot no clear tree protection area adjacent to
1840 both of those subdivisions. And, in doing so, we also put a 16-foot drainage easement right
1841 next to that no clear tree area and we have proposed a stormsewer system up that back line to
1842 be able to collect all of the surface water that comes from this property to an existing inlet
1843 that's in Section A. And, our construction plans show that. It shows that it is a public
1844 easement and a public stormsewer. Our last meetings with the Public Works Department, they
1845 have agreed to accept it as a public stormsewer system.

1846

1847 Mrs. Jones - Okay. Thank you. That was quite an issue. I appreciate you working
1848 through all of these.

1849

1850 Mr. Youngblood - With the fill-in area and you've got neighbors you've got to deal with.

1851

1852 Mrs. Jones - Yes, we do. All right. I would move, unless there are further
1853 questions, I move for approval of subdivision Falcon Rest (October 2005 Plan) at Pump Road
1854 and Falconbridge Drive. This is a conditional approval subject to the annotations on the plans
1855 and standard conditions for subdivisions served by public utilities and the following additional
1856 conditions Nos. 12 through 17 with the revised No. 13 to read: Prior to recordation of plat of
1857 Section C the engineer shall furnish etc.

1858

1859 Mr. Branin - Second.

1860

1861 Mr. Vanarsdall - The motion was made by Mrs. Jones and seconded by Mr. Branin. All
1862 in favor say aye...all opposed say any. The motion carries.

1863 The Planning Commission granted conditional approval to subdivision Falcon Rest (October
1864 2005 Plan) subject to the annotations on the plans, the standard conditions attached to these
1865 minutes for subdivisions served by public utilities, and the following additional conditions:

1866

1867 12. Each lot shall contain at least 13,500 square feet.

1868 13. Prior to requesting recordation of the plat for Section C, Lot 15, the engineer shall
1869 furnish the Department of Planning Staff a plan showing a dwelling situated on Lot 15
1870 to determine if the lot design is adequate to meet the requirements of Chapter 24, of the
1871 Henrico County Code.

1872 14. The detailed plant list and specifications for the landscaping to be provided within the 25-
1873 foot-wide planting strip easement along Pump Road and 20-feet on the western property
1874 line shall be submitted to the Department of Planning for review and approval prior to
1875 recordation of the plat.

1876 15. Any necessary offsite drainage easements must be obtained prior to approval of the
1877 construction plan by the Department of Public Works.

1878 16. The proffers approved as part of zoning case C-20C-05 shall be incorporated in this
1879 approval.

1880 17. Any future building lot containing a BMP, sediment basin or trap and located within the
1881 buildable area for a principal structure or accessory structure, may be developed with
1882 engineered fill. All material shall be deposited and compacted in accordance with the
1883 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
1884 professional engineer. A detailed engineering report shall be submitted for the review
1885 and approval by the Building Official prior to the issuance of a building permit on the
1886 affected lot. A copy of the report and recommendations shall be furnished to the
1887 Directors of Planning and Public Works.

1888

1889 **SUBDIVISION**

1890

Oglethorpe Park @
Greenbroke
(October 2005 Plan)

Dublin, Belfast Roads and
Glasgow Street

Youngblood, Tyler & Associates, P.C. for George Coleman, Jr., James R. and Marie A. Oglethorpe, Joan M. Trent and Fidelity Properties, Limited: The 12.37-acre site proposed for a subdivision of 34 single-family homes is located on the south side of Dublin Road between Belfast Street and Glasgow Road on parcels 745-764-6608, 7122, 7834, 2159, 1645, and 1031. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 34 Lots**

1891

1892 Mr. Vanarsdall - Is there anyone in the audience in opposition to Oglethorpe Park @
1893 Greenbrooke (October 2005 Plan) in the Three Chopt district? No opposition. Ms. Goggin.

1894

1895 Ms. Goggin - Staff has received a revised plan, as requested, addressing concerns with the
1896 BMP design and amenities for the development. The applicant requested and Public Works

1897 granted a waiver permitting a wet pond instead of a dry pond or a marsh basin to meet water
1898 quality requirements. The developer intends to make the pond an amenity with a fountain and
1899 benches in addition to walking trails and providing playground equipment and benches in the
1900 proposed common area between Lots 3 and 4 in Section C. There is an additional condition on
1901 page 7 in the addendum requiring the details for the tot lot, access path and other amenities to be
1902 on the construction plan for review and approval. There are representatives from Public Works
1903 here if you have any questions of them. Staff can recommend approval subject to the annotations
1904 on the revised plan, the standard conditions for subdivisions served by public utilities, conditions
1905 Nos. 12 through 17 in the agenda and condition No. 18 in the addendum.

1906

1907 Mr. Vanarsdall - Are there any questions of Ms. Goggin by Commission members? No
1908 questions. Mr. Branin.

1909

1910 Mr. Branin - Mr. Chairman, first I would like to commend Mr. Tyler for putting a
1911 nice water feature and a tot lot under this property. I think he's doing a pretty good job with
1912 creating a good community. And, with that, I would like to move for approval of Oglethrope
1913 Park at Greenbrooke with the annotations on the plans, subject to standard conditions for
1914 subdivisions served by public utilities and the following additional conditions Nos. 12 through
1915 17.

1916

1917 Ms. Goggin - And No. 18 on the addendum.

1918

1919 Mr. Branin - And addendum item No. 18.

1920

1921 Mr. Jernigan - Second, Mr. Chairman.

1922

1923 Mr. Vanarsdall - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
1924 in favor say aye...all opposed say nay. The motion carries.

1925

1926 The Planning Commission granted conditional approval to subdivision Oglethorpe Park @
1927 Greenbrooke (October 2005 Plan) subject to the annotations on the plan, the standard
1928 conditions attached to these minutes for subdivisions served by public utilities and the
1929 following additional conditions:

1930

1931 12. Each lot shall contain at least 11,000 square feet.

1932 13. A County standard sidewalk shall be constructed along both sides of the new roads and
1933 the south side of Dublin Street, the east side of Belfast Street and the west side of
1934 Glasgow Road.

1935 14. Any necessary offsite drainage easements must be obtained prior to approval of the
1936 construction plan by the Department of Public Works.

1937 15. The proffers approved as part of zoning case C-7C-05 shall be incorporated in this
1938 approval.

1939 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
1940 the maintenance of the common area by a homeowners association shall be submitted to
1941 the Department of Planning for review. Such covenants and restrictions shall be in form

1942 and substance satisfactory to the County Attorney and shall be recorded prior to
1943 recordation of the subdivision plat.

1944 17. Any future building lot containing a BMP, sediment basin or trap and located within the
1945 buildable area for a principal structure or accessory structure, may be developed with
1946 engineered fill. All material shall be deposited and compacted in accordance with the
1947 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
1948 professional engineer. A detailed engineering report shall be submitted for the review
1949 and approval by the Building Official prior to the issuance of a building permit on the
1950 affected lot. A copy of the report and recommendations shall be furnished to the
1951 Directors of Planning and Public Works.

1952 18. Details for the tot lot, access path and other amenities shall be shown on the construction
1953 plan for review and approval.

1954

1955 Mr. O’Kelly - Next item, Mr. Chairman, is the approval of the September 28, 2005,
1956 minutes.

1957

1958 **APPROVAL OF POD MINUTES: September 28, 2005 Minutes**

1959

1960 Mr. Vanarsdall - Are there any corrections to the minutes?

1961

1962 Mrs. Jones - I have a correction.

1963

1964 Mr. Archer - And I have the other one.

1965

1966 Mrs. Jones - Would you like to go first.

1967

1968 Mr. Archer - Yes, I’ll go first. On page 63, line 2426, I think the word at the end of
1969 that line should be “now” instead of “there.” That’s all that I have.

1970

1971 Mrs. Jones - Page 25, line 874, I was asking about the Gayton “mines,” M I N E S, not
1972 the Gayton “lives.”

1973

1974 Mr. Vanarsdall - Are there any more corrections? If not, I’ll entertain a motion to approve
1975 the minutes.

1976

1977 Mrs. Jones - I so move.

1978

1979 Mr. Jernigan - Second.

1980

1981 Mr. Vanarsdall - The motion was made by Mrs. Jones and seconded by Mr. Jernigan. All
1982 in favor say aye...all opposed say nay. The motion passes.

1983

1984 The Planning Commission approved the September 28, 2005 minutes as corrected.

1985

1986 Mr. Vanarsdall - All right. Mr. O’Kelly, now we have this thing that a layman couldn’t

1987 figure it out if they read it.

1988

1989 Mr. O’Kelly - The next item really is a discussion item requesting the Planning
1990 Commission to set a Work Session that will be for your November 10 Rezoning meeting, and I
1991 think the suggestion is that the work session began at 6:00 p.m.

1992

1993 **DISCUSSION ITEM: Set work session for November 10, 2005 for presentation by Division**
1994 **of Police regarding CPTED- Crime Prevention Through Environmental Design.**

1995

1996 Mr. Vanarsdall - Is that what the Police want to do?

1997

1998 Mr. O’Kelly - Yes, sir. They would like to present you with the....

1999

2000 Mr. Vanarsdall - I mean, do they want to set it at six o’clock?

2001

2002 Mr. O’Kelly - I think that’s what been recommended.

2003

2004 Mr. Vanarsdall - Do we get a meal with that?

2005

2006 Mr. O’Kelly - I can certainly check into that. I don’t think that will be a problem.

2007

2008 Mr. Vanarsdall - We are not in favor of it without the meal, are we?

2009

2010 Mr. Jernigan - Yes, we won’t be here early.

2011

2012 Mr. Vanarsdall - We have five no’s and Mr. Kaechele has gotten with us. There are six in
2013 favor of the meal. All right, go ahead, Mr. O’Kelly. Oh, do we need a motion to do that?

2014

2015 Mr. O’Kelly - Yes, sir. And that would be 6:00 p.m., here in the Boardroom. You
2016 might want to have dinner at 5:30 p.m. maybe in the....

2017

2018 Mr. Vanarsdall - Why would we have to have it in here, because of the video and people
2019 coming in?

2020

2021 Mr. Branin - Can’t we do it upstairs?

2022

2023 Mr. Jernigan - Dave, I’ll tell you, I’m all right with having it at six and we can discuss it
2024 while we are eating.

2025

2026 Mr. O’Kelly - Okay. We will try to do it in the large conference room.

2027

2028 Mr. Jernigan - Does anybody know what this is for? What date it is?

2029

2030 Mr. Archer - It’s November 10.

2031

2032 Mr. Jernigan - And I am assuming this is the discussion I had with Randy about where....
2033 Mr. Vanarsdall - Wait a minute. Where are we now, on the Resolution or the Work
2034 Session?
2035
2036 Mr. Jernigan - Yes, the Resolution.
2037
2038 Mr. O'Kelly - We haven't gotten there yet, Mr. Jernigan.
2039
2040 Mr. Vanarsdall - We haven't finished the discussion item, yet. It's at 6:00 p.m. and we can
2041 chew while we listen. So, it ought to be in the conference room upstairs.
2042
2043 Mr. O'Kelly - We will try to arrange that for the Planning Commission.
2044
2045 Mr. Jernigan - I mean, I'm okay with that.
2046
2047 Mr. O'Kelly - In the large conference room in the Planning Office.
2048
2049 Mr. Vanarsdall - No. They call it the Manager's Conference room on the 3rd floor, or are
2050 you talking about the conference room?
2051
2052 Mr. O'Kelly - I'm talking about the large conference room in the Planning Department.
2053
2054 Mr. Vanarsdall - Where do we get the food?
2055
2056 Mr. O'Kelly - The Planning Office will take care of that.
2057
2058 Mr. Vanarsdall - I mean, who will bring it in, because upstairs it's almost right next door to
2059 it. That's okay. Go ahead. I'll let you all worry about the details.
2060
2061 Mr. Jernigan - I was moving ahead to fast.
2062
2063 Mr. Vanarsdall - All right, we need a motion and a second to do this, don't we, Dave?
2064
2065 Mr. O'Kelly - Yes, sir.
2066
2067 Mr. Archer - Okay. I move that we set the work session for six o'clock on November
2068 10, 2005 in the large conference room.
2069
2070 Mr. Vanarsdall - With a meal.
2071
2072 Mr. Archer - With a meal.
2073
2074 Mr. Jernigan - Second.
2075
2076 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mr. Jernigan. All

2077 in favor say aye...all opposed say nay. The motion passes.

2078 The Planning Commission approved setting a work session for the Division of Police regarding
2079 CPTED – Crime Prevention Through Environmental Design for the November 10, 2005,
2080 Rezoning meeting at 6:00 p.m. with a meal.

2081

2082 Mr. Vanarsdall - Now we will get to what Ray was talking about.

2083

2084 Mr. Jernigan - Sorry, Mr. Chairman, I was jumping ahead.

2085

2086

2087 **RESOLUTION: To amend the zoning ordinance pertaining to the permitted location of**
2088 **accessory buildings and structures on a lot or parcel in agricultural and residential**
2089 **districts.**

2090

2091

2092 Mr. Vanarsdall - That's okay. A part of it yours, part of it is Mrs. O'Bannon and Mr.
2093 Kaechele requested. Swimming pools being made an exception and so forth. It looks like a
2094 good thing.

2095

2096 Mr. O'Kelly - This resolution would initiate the process to begin to prepare an
2097 ordinance amendment, and the resolution suggests that the Planning Commission have a public
2098 hearing to discuss the draft ordinance on December 14. That would be your Plan of
2099 Development meeting. This is the result of a recent Supreme Court decision that has limited
2100 the ability of the Board of Zoning Appeals to grant variances for certain items. We propose an
2101 ordinance amendment that would change approval of accessory buildings in yards other than
2102 rear yards. In other words, inside and front yards rather than by a variance. That process
2103 would be changed to approval of a conditional use permit. And, that would be the ordinance
2104 that we would draft for your consideration. The request for the resolution and the ordinance
2105 amendment process was filed with the County Manager on behalf of Mr. Kaechele and Mrs.
2106 O'Bannon.

2107

2108 Mr. Vanarsdall - So, we need a motion to go forward with this?

2109

2110 Mr. O'Kelly - Yes, sir.

2111

2112 Mr. Jernigan - I'll make a motion to initiate the zoning ordinance amendment study.

2113

2114 Mrs. Jones - Second.

2115

2116 Mr. Vanarsdall - The motion was made by Mr. Jernigan and seconded by Mrs. Jones. All
2117 in favor say aye...all opposed say nay. The motion passes.

2118

2119 The Planning Commission approved to initiate the zoning ordinance amendment study and hold
2120 a Public Hearing on December 14.

2121 Mr. Vanarsdall - I guess that's it. Anybody have anything? Dave, do you have anything
2122 else.
2123
2124 Mr. Jernigan - Wait a minute. Are we going to discuss this on the 14th or are we going
2125 to discuss this on the 10th also?
2126
2127 Mr. O'Kelly - There will be a public hearing on the 14th, not on the 10th.
2128
2129 Mr. Jernigan - Just CPTED on the 10th.
2130
2131 Mr. O'Kelly - Right.
2132
2133 Mr. Vanarsdall - Oh, I'm glad I read this from Robin. This is a thank you card from
2134 Robin Marlles. I was watching Channel 37 the other night and they had on it about the
2135 Community Revitalization and they had John Marlles talking about it and everything. Mrs.
2136 Jones and Mr. Branin, I added your names to the card for the flowers, but I'm not going to ask
2137 you all for any money because you didn't know him.
2138
2139 Mr. Branin - Mr. Chairman, can we adjourn?
2140
2141 Mr. Vanarsdall - Yes.
2142
2143 Mr. Archer - I move for immediate adjournment, Mr. Chairman.
2144
2145 Mrs. Jones - Second.
2146
2147 Mr. Vanarsdall - The motion was made by Mr. Archer and seconded by Mrs. Jones to
2148 adjourn this meeting. All in favor say aye...all opposed say nay. This meeting is adjourned.
2149
2150 On a motion by Mr. Archer and seconded by Mrs. Jones, the Planning Commission adjourned
2151 its October 26, 2005, meeting.
2152
2153
2154
2155
2156

Ernest B. Vanarsdall, C.P.C, Chairperson
2157
2158
2159
2160

David D. O'Kelly, Acting Secretary
2161
2162
2163
2164