

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 Center
3 at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, October 25, 2006.

4

5 Members Present:

Mr. C. W. Archer, C.P.C., Chairperson (Fairfield)

6

Mr. Tommy Branin, Vice Chairperson (Three Chopt)

7

Mrs. Bonnie-Leigh Jones (Tuckahoe)

8

Mr. E. Ray Jernigan, C.P.C. (Varina)

9

Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)

10

Mrs. Patricia O'Bannon (Tuckahoe) Board of Supervisors

11

Representative

12

Mr. Randall R. Silber, Director of Planning, Secretary

13

14 Others Present:

Mr. David D. O'Kelly, Jr., Assistant Director of Planning

15

Ms. Leslie A. News, CLA, Principal Planner

16

Mr. James P. Strauss, CLA, County Planner

17

Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner

18

Mr. Michael F. Kennedy, County Planner

19

Ms. Christina L. Goggin, AICP, County Planner

20

Mr. Tony Greulich, C.P.C., County Planner

21

Mr. Greg Garrison, County Planner

22

Mr. Michael Jennings, Assistant Traffic Engineer

23

Ms. Diana B. Carver, Recording Secretary

24

25 **Mrs. Patricia S. O'Bannon, the Board of Supervisors Representative, abstains on all cases**
26 **unless otherwise noted.**

27

28 Mr. Archer -

Good morning, the Planning Commission will come to order. Good
29 morning everyone. Welcome to the October 25, 2006 Public Hearing for subdivisions and plans
30 of development. Mrs. O'Bannon has not arrived yet but we assume that she will be coming later.
31 We will try to get through the agenda as quickly as we can. Good morning, Mr. Secretary.

32

33 Mr. Silber -

Good morning, Mr. Chairman. We do have a quorum so we can move
34 forward. The first item on the agenda would be consideration of requests for deferrals and
35 withdrawals. I'm not aware of any withdrawals but we do have two deferrals. Ms. News, can
36 you tell us about those.

37

38 Mr. Archer -

Good morning, Ms. News.

39

40 Ms. News -

Good morning, Mr. Secretary, Mr. Chairman, and members of the
41 Commission. The first deferral is on page 3 of your agenda and is located in the Varina District.
42 This is POD-34-06 (Formerly POD-83-97 Revised) Gillies Creek Recycling – Office Area. The
43 applicant is requesting a deferral to the November 15, 2006 meeting.

44 **PLAN OF DEVELOPMENT (Deferred from the September 27, 2006 Meeting)**

45

POD-34-06
Gillies Creek Recycling –
Office Area – Masonic Lane
and I-64
(POD-83-97 Revised)

Engineering Design Associates for Gillies Creek Industrial Recycling: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 6,000 square foot office/repair shop and two equipment sheds for an existing recycling center on the landfill property. The 3.57-acre site is located at 4200 Masonic Lane on parcel 806-719-8851. The zoning is M-2, General Industrial District. Individual well and septic tank/drainfield. **(Varina)**

46

47 Mr. Archer - Is there anyone in the audience in opposition to the deferment of POD-34-
48 06, Gillies Creek Recycling – Office Area, in the Varina District? No opposition. Mr. Jernigan.

49

50 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of POD-34-06, Gillies
51 Creek Recycling – Office Area, to November 15, 2006 by request of the applicant.

52

53 Mr. Vanarsdall - Second.

54

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

57

58 At the request of the applicant, the Planning Commission deferred POD-34-06, Gillies Creek
59 Recycling – Office Area (POD-83-97 Revised) to its November 15, 2006 meeting.

60

61 Ms. News - The second request is on page 23 of your agenda and located in the Varina
62 District. This is subdivision River Pointe Estates (July 2006 Plan) for 43 lots. The applicant is
63 requesting deferral to, the December 13, 2006 meeting.

64

65 **SUBDIVISION (Deferred from the September 27, 2006 Meeting)**

66

River Pointe Estates
(July 2006 Plan)
9051 Deep Bottom Road

Bay Design Group, P.C. for John W. Roberts and Wilton Development Corporation: The 81-acre site proposed for a subdivision of 43 single-family homes is located on the east line of Deep Bottom Road approximately 650 feet south of Kingsland Road on parcels 829- 676-2890 and 829-678-4054. The zoning is A-1, Agricultural District. County water and sewer. **(Varina) 43 Lots**

67

68 Mr. Archer - Is there anyone in the audience in opposition to the deferment of
69 subdivision River Pointe Estates (July 2006 Plan) in the Varina District? No opposition. Mr.
70 Jernigan.

71 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of River Pointe Estates
72 (July 2006 Plan) to December 13, 2006 by request of the applicant.

73

74 Mr. Vanarsdall - Second.

75

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

78

79 At the request of the applicant, the Planning Commission deferred subdivision River Pointe
80 Estates (July 2006 Plan) to its December 13, 2006 meeting.

81

82 Mr. Archer - Are there any deferrals from the Commission? All right. Mr. Secretary.

83

84 Mr. Silber - Moving on to the Expedited Agenda. The Planning Commission has a
85 process where plans or cases that are somewhat minor in nature, where the staff is
86 recommending approval of the plans, where the Planning Commissioner from the district has no
87 outstanding issues, and whereby the applicant agrees with the conditions being suggested by
88 staff. These are placed on an Expedited Agenda as to speed up the consideration of these items.
89 We have several plans on the Expedited Agenda. If there is opposition to these plans, they will
90 be pulled off of this agenda and heard in the order it was listed in the regular agenda. Ms. News,
91 would you tell us about those on the Expedited Agenda, please.

92

93 Ms. News - Yes, sir, Mr. Secretary. We have six items on the Expedited Agenda this
94 morning. The first item is on page 2 of your agenda and located in the Three Chopt District.
95 This is a transfer of approval POD-83-88, Jefferson National Bank. The name of that bank has
96 been changed to Wachovia, the new name. There is an addendum item on page 1 of your
97 addendum which indicates a revised recommendation for approval, and that the applicant has
98 agreed to the schedule stated in the condition for completing the deficiencies on the site. Staff
99 can recommend approval.

100

101 **TRANSFER OF APPROVAL**

102

POD-83-88 Jefferson Wachovia National Bank – W. Broad Street and Dominion Boulevard	James Miller for Resource Bank: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Wachovia National Bank and Jefferson National Bank to Resource Bank. The 1.090-acre site is located on the west side of Dominion Boulevard, approximately 340 feet north of the intersection of Dominion Boulevard and W. Broad Street (U. S. Route 250) on parcel 747- 761-3705. The zoning is B-3, Business District. County water and sewer. (Three Chopt)
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103

104 Mr. Archer - Thank you, Ms. News. Is there anyone in the audience in opposition to
105 the transfer of approval request for POD-83-88, Jefferson National Bank, in the Three Chopt
106 District? No opposition. Mr. Branin.

107 Mr. Branin - Before I make my motion, is there anyone present from Resource Bank?
108 Sir, can you come forward.
109
110 Mr. Dane - I'm representing Jim Miller. I'm John Dane filling in for James Miller.
111
112 Mr. Branin - Thank you, Mr. Dane. In the future, could you let your bank know that
113 when we are doing a transfer of approval I don't think that it is fair to the Henrico County staff
114 to have to work overtime to chase you all down to do what you guys want done.
115
116 Mr. Dane - Yes, sir.
117
118 Mr. Branin - Okay. Do pass that on for me.
119
120 Mr. Dane - Can do.
121
122 Mr. Branin - Thank you. Mr. Chairman, I'm ready now.
123
124 Mr. Archer - Go right ahead, Mr. Branin.
125
126 Mr. Branin - I would like to move for the transfer of approval for POD-83-88 to be
127 approved on the Expedited Agenda.
128
129 Mr. Jernigan - Second.
130
131 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
132 in favor say aye...all opposed say nay. The motion passes.
133
134 The Planning Commission approved the transfer of approval request for POD-83-88, **Wachovia**
135 ~~Jefferson~~ National Bank, subject to the standard and added conditions previously approved and
136 the following additional condition:
137
138 1. The site deficiencies, as identified in the inspection report dated **October 11, 2006**, shall
139 be corrected by **December 31, 2006**.
140
141 Ms. News - The next item is on page 10 of your agenda and located in the Brookland
142 District. This is a landscape plan LP/POD-14-05, Linden Pointe. There is an addendum item on
143 page 2 of your addendum indicating that there is a revised plan with revised annotations in your
144 addendum packet and a revised recommendation indicating that the applicant is in agreement
145 with providing a gatehouse at each entrance to this subdivision, as well as providing landscaping
146 in lieu of the gazebo to screen the pipes and forebay of the pond. Staff can recommend approval
147 of the revised plan.

220 and we will hear it later in the meeting and allow you to present your concerns and we will have
221 the applicant address your concerns. So, if you can just hold tight a little bit and we will go
222 through the rest of the Expedited items and then we will get back to this item in a few minutes.

223

224 Mr. Vanarsdall - Mr. Spain, I was under the impression that you had already talked to Mike
225 Kennedy this morning?

226

227 Mr. Spain - This morning? Last week.

228

229 Mr. Vanarsdall - Okay. Thank you. We will get to it in a minute.

230

231 Mr. Archer - Sir, we will hear it in the order that it would have appeared ordinarily on
232 the agenda. It won't be too long. All right, Ms. News.

233

234 **THIS CASE WAS PULLED FROM THE EXPEDITED AGENDA AND HEARD LATER**
235 **IN THE ORDER IT APPEARED ON THE REGULAR AGENDA. IT CONTINUES ON**
236 **PAGE 26 OF THESE MINUTES.**

237

238 Ms. News - The next item is on page 17 of the Expedited Agenda and located in the
239 Three Chopt District. This is subdivision Olde Springfield (October 2006 Plan) for six lots and
240 staff recommends approval.

241

242 **SUBDIVISION**

243

Olde Springfield
(October 2006 Plan)
10718 Argonne Drive

Balzer & Associates, Inc. for Russell H. Malone, III: The
2.417-acre site proposed for a subdivision of 6 single-family
homes is located at the end of Argonne Drive and Lexington
Farm Drive on parcel 752-762-4295. The zoning is R-3A, One-
Family Residence District. County water and sewer. **(Three
Chopt) 6 Lots**

244

245 Mr. Archer - Is there anyone in the audience in opposition to subdivision Olde
246 Springfield (October 2006 Plan) in the Three Chopt District? No opposition. Mr. Branin.

247

248 Mr. Branin - Mr. Chairman, I would like to move for approval of subdivision Olde
249 Springfield on the Expedited Agenda.

250

251 Mr. Jernigan - Second.

252

253 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Jernigan. All
254 in favor say aye...all opposed say nay. The motion passes.

255

256 The Planning Commission granted conditional approval to subdivision Olde Springfield
257 (October 2006 Plan) subject to the standard conditions attached to these minutes for subdivisions
258 served by public utilities, the annotations on the plans and the following additional conditions:

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

297

298 The Planning Commission approved POD-49-06, Brown BMW/Acura Car Wash, subject to the
299 standard conditions attached to these minutes for developments of this type, the annotations on
300 the plans and the following additional conditions:

301

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

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

307 25. All repair work shall be conducted entirely within the enclosed building.

308 26. Outside storage shall not be permitted.

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

311 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
312 approved by the County Engineer prior to final approval of the construction plans by the
313 Department of Public Works.

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

316 30. Insurance Services Office (ISO) calculations must be included with the plans and
317 contracts and must be approved by the Department of Public Utilities prior to the
318 issuance of a building permit.

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

324 32. The proffers approved as part of zoning case C-40C-04 shall be incorporated in this
325 approval.

326

327 Ms. News - The final item is on page 19 of your agenda and located in the Three
328 Chopt District, POD-59-06, Call Federal Credit Union @ Gaskins Place. There is an addendum
329 item on page 3 of the addendum indicating that staff can recommend approval.

330 **PLAN OF DEVELOPMENT**

331

POD-59-06
Call Federal Credit Union @
Gaskins Place – Mayland
Drive and Mayland Court

QMT Corporation for Call Federal Credit Union: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 4,200 square foot bank building with drive thru facilities. The 1.49-acre site is located at the southwest intersection of Mayland Drive and Mayland Court on parcel 752-757-2988. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Three Chopt)**

332

333 Mr. Archer - Is there anyone in the audience in opposition to POD-59-06, Call Federal
334 Credit Union @ Gaskins Place in the Three Chopt District? No opposition. Mr. Branin.

335

336 Mr. Branin - Mr. Chairman, I would like to move for approval of POD-59-06, Federal
337 Credit Union @ Gaskins Place, on the Expedited Agenda with the standard conditions for
338 developments of this type, including added conditions Nos. 24 through 34.

339

340 Mrs. Jones - Second.

341

342 Mr. Archer - The motion was made by Mr. Branin and seconded by Mrs. Jones. All in
343 favor say aye...all opposed say nay. The motion passes.

344

345 The Planning Commission approved POD-59-06, Call Federal Credit Union @ Gaskins Place,
346 subject to the standard conditions attached to these minutes for developments of this type, the
347 annotations on the plans and the following additional conditions:

348

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

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

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

360 27. A standard concrete sidewalk shall be provided along the south side of Mayland Drive.

361 28. Outside storage shall not be permitted.

362 29. The proffers approved as a part of zoning case C-7C-81 shall be incorporated in this
363 approval.

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

- 367 31. In the event of any traffic backup which blocks the public right-of-way as a result of
 368 congestion caused by the drive-up teller facilities, the owner/occupant shall close the
 369 drive-up teller facilities until a solution can be designed to prevent traffic backup.
 370 32. Approval of the construction plans by the Department of Public Works does not establish
 371 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 372 elevations will be set by Henrico County.
 373 33. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 374 Department of Planning and approved prior to issuance of a certificate of occupancy for
 375 this development.
 376 34. The location of all existing and proposed utility and mechanical equipment (including
 377 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 378 shall be identified on the landscape plans. All equipment shall be screened by such
 379 measures as determined appropriate by the Director of Planning or the Planning
 380 Commission at the time of plan approval.

381
 382 Ms. News - That completes the Expedited Agenda.

383

384 Mr. Archer - Thank you, Ms. News.

385

386 Mr. Silber - Now, moving back to the top of the agenda on page 1, we have the
 387 subdivision extensions of conditional approvals. As you can see on the agenda both of these
 388 extensions of conditional approval can be handled administratively. They are provided on this
 389 agenda for the Planning Commission's information only.

390

391 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL:**

392 **FOR INFORMATIONAL PURPOSES ONLY**

393

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended Recommended
Crowder Farms (October 2004 Plan)	Varina	43	43	1	1 Year 10/24/07
Pocahontas Estates (October 2004 Plan)	Varina	16	16	1	1 Year 10/24/07

394

395 Mr. Silber - Are there any questions by the Commission on these? Ms. Goggin is here
 396 to answer those if there are any.

397

398 Mr. Archer - Are there any questions by the Commission? No questions. Thank you,
 399 Ms. Goggin that was short. All right, Mr. Secretary.

400

401 Mr. Silber - Yes, sir. Moving on to page 4 of your regular agenda, this is subdivision
 402 Courtney Ridge (September 2006 Plan).

403

404 **SUBDIVISION (Deferred from the September 27, 2006 Meeting)**

405

Courtney Ridge
(September 2006 Plan)
South of Courtney Road and
Mountain Road

Parker Consulting, LLC for Robert F. Smith, Jr. and Attack-Walker Construction, LLC: The 2.60-acre site proposed for a subdivision of 5 single-family homes is located at 10637 Courtney Road on parcel 766-768-6057. The zoning is R-2, One-Family Residence District (Conditional). County water and sewer. **(Brookland) 5 Lots**

406

407 Mr. Archer - Is there anyone in the audience in opposition to this case, subdivision,
408 Courtney Ridge (September 2006 Plan) in the Brookland District? No opposition. Good
409 morning, Mr. Strauss.

410

411 Mr. Strauss - Good morning and thank you, Mr. Chairman and members of the
412 Commission. This is a proposal for a subdivision of a large parcel with an existing house which
413 is proposed to be subdivided into five lots under the existing zoning which is R-2. The applicant
414 intended to create five new lots and leave the residual parcel with an existing house on it.
415 During review, staff determined that the residual parcel did not have the minimum lot width
416 required by ordinance. The applicant has agreed to staff's recommendation to revise the plan
417 and eliminate lot 5 as shown on the annotated plan that was just handed out. The fifth lot will
418 now be the residual parcel which now meets the minimum lot width requirements or R-2. I'll be
419 happy to answer any questions you may have.

420

421 Mr. Archer - Thank you, Mr. Strauss. Are there questions by the Commission?

422

423 Mr. Silber - Mr. Strauss, the agenda is still correct in that it is still 5 lots, 5 lots and a
424 balance of....

425

426 Mr. Strauss - What we have done is asked them to include the entire original parcel.

427

428 Mr. Silber - So, it still stands as five proposed lots?

429

430 Mr. Strauss - Yes.

431

432 Mr. Archer - All right, is there anything further?

433

434 Mr. Vanarsdall - I want to apologize to the Commission of this late date. Jim worked on
435 this all day yesterday and did an excellent job on it, before he went out of town last week, so
436 thank you, Jim.

437

438 Mr. Archer - All right. Do you need to hear from the applicant, Mr. Vanarsdall?

439

440 Mr. Vanarsdall - No, sir.

441

442 Mr. Archer - All right, then we are ready for a motion.

443 Mr. Vanarsdall - With that, I recommend approval of Courtney Ridge (September 2006
444 Plan) eliminating lot 5, the standard conditions for subdivisions served by public utilities, and
445 added conditions Nos. 12 and 13.

446

447 Mr. Branin - Second.

448

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

451

452 Mr. Silber - Mr. Vanarsdall, just for point of clarification, Lot 5 has not been
453 eliminated it's been revised to its original configuration. So, there still is a Lot 5.

454

455 Mr. Vanarsdall - Thank you.

456

457 The Planning Commission granted conditional approval to subdivision Courtney Ridge
458 (September 2006 Plan) subject to the standard conditions attached to these minutes for
459 subdivisions served by public utilities, the annotations on the plans and the following additional
460 conditions:

461

462 12. Each lot shall contain at least 18,000 square feet.

463 13. Detailed construction plans shall be submitted to the Department of Planning before the
464 final plats are submitted for final approval.

465

466 **SUBDIVISION (Deferred from the September 27, 2006 Meeting)**

467

Timber Oaks (September 2006 Plan) 4751 Dogwood Oaks Cul-de- sac, South of Darbytown and Bradbury Roads	ASA Surveying & Mapping for Hopper Homes, Inc.: The 2.15-acre site proposed for a subdivision of 1 single-family home is located 402 feet west of Bradbury Road on parcel 837- 686-3639. The zoning is A-1, Agricultural District and One- Family Residence District. Individual well and septic tank/drainfield. (Varina) 1 Lot
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468

469 Mr. Archer - Is there anyone in the audience in opposition to this case, subdivision,
470 Timber Oaks (September 2006 Plan) in the Varina District? No opposition. Good morning, Mr.
471 Garrison.

472

473 Mr. Garrison- Mr. Chairman, Planning Commission members, Timber Oaks subdivision
474 was deferred from the September 27 meeting at the request of the Planning Commission. You'll
475 remember, the applicant, Hopper Homes, Inc. is proposing a one lot subdivision of a former
476 reserve lot. Department of Public Works has reviewed the plan and has determined that an
477 additional 2.5' of right-of-way must be dedicated; in addition, they have approved an exception
478 to permit the applicant to deposit an escrow in the amount of \$22,538.00 in lieu of the
479 construction of Dogwood Oaks Road. Until Dogwood Oaks Road is constructed, access to this
480 lot maybe provided through a driveway in the right-of-way with a condition that the owner enter
481 into a Non-maintained County right-of-way agreement with the Department of Public Works.

482 With this, staff recommends approval of the proposal; it is subject to the annotations on the plan,
483 the standard conditions for conditional subdivisions not served by public utilities, and additional
484 condition #11 on page 5 on the agenda. Staff and representatives of the applicant are available to
485 answer any questions you may have. Thank you.

486

487 Mr. Archer - Thank you, Mr. Garrison. Are there questions by the Commission?

488

489 Mr. Jernigan - I have a statement but I don't have any questions.

490

491 Mr. Archer - Well, entertain your statement, Mr. Jernigan.

492

493 Mr. Jernigan - This one caused quite a bit of controversy last time but after talking to the
494 County Attorney, I'm straight. Mike, I'm going to pass this but I'm going to let you all handle it
495 from then on. Just to let the applicant know though that you can't build anything else on this
496 until there is another subdivision plat filed for that property across the street and at that time, the
497 road will have to be constructed.

498

499 I guess we found out last time that you can build a house on a paper street, which I always learn
500 something when I come to these hearings, but anyway, this one, like I said, after talking to the
501 County Attorney, I'm straight. And we will move this along and as Mr. Rapisarda said, y'all do
502 this all the time, Mike, so I'm going to let you handle it from here on. So, with that, Mr.
503 Chairman, I will move for approval of subdivision Timber Oaks (September 2006 Plan) subject
504 to the annotations on the plans, the standard conditions for subdivisions not served by public
505 utilities and the following additional conditions, which is No. 11 the escrow \$22,538.00 and
506 driveway right-of-way.

507

508 Mr. Vanarsdall - Second.

509

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

512

513 The Planning Commission granted conditional approval to subdivision Timber Oaks (September
514 2006 Plan) subject to the standard conditions attached to these minutes for subdivisions not
515 served by public utilities, the annotations on the plans and the following additional condition:

516

517 11. An escrow in the amount of \$22,538.00 shall be made towards the construction of
518 Dogwood Oaks Road. Until Dogwood Oaks Road is constructed, access to this lot may
519 be provided through a driveway in the right-of-way, provided the owner enters into a
520 non-maintained County right-of-way agreement with the Department of Public Works.
521 The agreement and escrow payment shall be submitted and approved by the Director of
522 Public Works, prior to issuance of a building permit.

523 **PLAN OF DEVELOPMENT, MASTER PLAN & LIGHTING PLAN**

524 **(Deferred from the September 27, 2006 Meeting)**

525

POD-58-06

The Shops @ White Oak
Village – 4500 S. Laburnum
Avenue

Vanasse Hagen Brustlin, Inc. for Forest City Commercial Group, Inc: Request for approval of a master plan for a shopping center with approximately 913,606 square feet of retail space, including restaurants, retail stores, a future hotel, and twelve outparcels, and approval of a plan of development and site lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code, for the construction of a Target Store (major anchor A) consisting of 126,842 square feet; a Lowe's (major anchor B) consisting of 139,410 square feet, two junior anchor buildings stores A-K consisting of 281,052 square feet of retail space; a Ukrop's Supermarket (junior anchor L) consisting of 60,214 square feet, and 149,313 square feet of retail space in the Lifestyle Center Shops (Lifestyle Shops A-D). The 136.50-acre site is located at 4500 S. Laburnum Avenue at the northwest corner of the intersection of S. Laburnum Avenue and I-64, west of Audubon Drive on parcel 815-718-5710. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Varina)**

526

527 Mr. Archer - Is there anyone in the audience in opposition to POD-58-06, The Shops @
528 White Oak Village in the Varina District? No opposition.

529

530 Mrs. O'Bannon - Are they going to have a Red Lobster?

531

532 Mr. Strauss - I believe so.

533

534 Mr. Archer - We will not record that as opposition. Mr. Strauss.

535

536 Mr. Strauss - Thank you, Mr. Chairman, members of the Commission. As was stated,
537 this is a request for a very large shopping center to be developed at the site of the former Via
538 Systems facility at S. Laburnum Avenue and Audubon Drive. This center will have almost one
539 million square feet of retail space, which will include three major anchors, including a Target,
540 here (referring to map), and a Lowe's located here. Three junior anchors which will include a
541 Ukrop's in this location and approximately 150,000 square feet of Lifestyle Center located in the
542 center of the project which will have pedestrian gathering areas and amenities.

543

544 The project was the subject of a rezoning case last July with numerous proffers controlling the
545 architectural site design, landscape and buffering along Laburnum Avenue and screening of
546 loading areas and mechanical equipment.

547

548 There are also 12 outparcels along Laburnum Avenue which are not a part of this approval
549 today, they will be coming back to this Commission at a future date. We have a large

550 compendium of design guidelines for those outparcels but we thought it would be best to come
551 back to the Commission at a later date.

552

553 During our review the staff was concerned about the outdoor display areas, particularly those
554 associated with the future Lowe's location given the number of problems that we are
555 experiencing at other sites in the County. The outdoor display areas are generally shown or
556 known as to their location which will be in front of the Lowe's and to the side where the garden
557 center is located. However the final details have yet to be worked out so consequently staff is
558 not recommending approval of the outdoor display area this morning. That's why we are
559 handing out an additional condition regarding the display areas relative to this plan of
560 development. We can recommend approval of the Lowe's architecture plan and the garden
561 center as annotated in the plan we've also handed out this morning. The annotations address
562 staff's recommendation; brick columns and the simulated black iron fencing to be used in lieu of
563 the expanse of the black, wire, mesh as originally proposed for the garden center enclosure.
564 With that, staff is recommending approval. The agencies have reviewed it and are
565 recommending approval and I'll be happy to answer any questions you may have.

566

567 Mr. Archer - All right. Are there any questions for Mr. Strauss? Mr. Strauss, can you
568 show us on there the area encompassed by the outparcel?

569

570 Mr. Strauss - These outparcels along Laburnum....

571

572 Mr. Archer - All of what we see in those squares?

573

574 Mr. Strauss - Yes. And there is a hotel site that is not a part of this approval this
575 morning.

576

577 Mr. Archer - Okay. That's all I have. Are there any further questions from the
578 Commission?

579

580 Mr. Jernigan - Jim, after our meeting yesterday, when you spoke to them.

581

582 Mr. Strauss - Yes, sir.

583

584 Mr. Jernigan - Were they pretty receptive?

585

586 Mr. Strauss - I'm not sure if they are here today. Oh, yes, Mr. Richardson is here.
587 Obviously, they were not joyful of the news on the delay but we believe we can work something
588 out by the next Commission meeting.

589

590 Mr. Jernigan - Jim, come up here for a minute (he was referring to applicant, Jim
591 Richardson, not staff). Good morning, how are you?

592

593 Mr. Richardson - I'm doing very good, thank you.

594

595 Mr. Archer - Would you state your name for the record, sir, please?
596

597 Mr. Richardson - I'm Jim Richardson and I'm with Forest City Enterprises, developer of the
598 White Oak project.
599

600 Mr. Archer - Thank you.
601

602 Mr. Jernigan - When we had a meeting a couple of weeks ago, at the end of that meeting,
603 I thought, well we were on the same page, but I thought everybody was on the same page but
604 apparently they weren't because there was no changes in the plans.
605

606 Mr. Richardson - I don't know what transpired or happened with that but we are in 100
607 percent agreement with staff and we all want what's best for the shopping center, the
608 appearance, and we want control on these display areas. So, without trying to quickly put this
609 down and put together, I thought that it would be best to just hold that aside and have a separate
610 meeting with staff and make sure we do the right thing for the shopping center and for the
611 County.
612

613 Mr. Jernigan - I appreciate that.
614

615 Mr. Richardson - No problem.
616

617 Mr. Jernigan - Thank you.
618

619 Mr. Richardson - You're welcome.
620

621 Mr. Archer - Anybody else have any questions for Mr. Richardson? Thank you, sir.
622

623 Mr. Silber - Mr. Strauss, in regards to the screening of the garden center, staff I believe
624 annotated the plan to deal with the different types of screening besides chain link?
625

626 Mr. Strauss - Yes. We have discussed this with the applicant and their civil engineer at
627 VHB we were gravitating away from the chain link which was originally proposed which is a
628 large expanse
629

630 Mr. Silber - So, how has the plan been annotated?
631

632 Mr. Strauss - I have a
633

634 Mr. Jernigan - That's included in the display. That's the area that we are deleting.
635

636 Mr. Silber - It was my understanding that the garden center screening was a part of this
637 approval and it was going to have brick columns and it was going to have wrought iron....
638

639 Mr. Strauss - That has been annotated on the handout. So, that part of the architecture

640 we are approving today, of the garden center.

641 Mr. Silber - So, okay, it is annotated on the plan to add brick columns with black iron
642 fence that would be a part of the screening around the garden center which is the display area....

643

644 Mr. Strauss - The area out in front of that we are still working on.

645

646 Mr. Silber - Is that acceptable, Mr. Jernigan.

647

648 Mr. Jernigan - Now, wait a minute, in the handout.... Oh, I'm sorry, I didn't see that one.
649 I didn't pull that one out of my packet. That's fine. Yes, that's what we discussed yesterday.

650

651 Mr. Strauss - And you do have two new added conditions numbers....

652

653 Mr. Jernigan - Yes, numbers 44 and 46. Thank you, Jim. First off I want to thank Jim
654 Strauss and Christina Goggin for working on this case the way that they did. It has taken us a
655 while to get it straight but I think we are 99% there. So, Mr. Chairman, with that, I will move for
656 approval POD-58-06, The Shops at White Oak Village, subject to the annotations on the plans,
657 the standard conditions for developments of this type, and the following additional conditions
658 No. 9 amended, No. 11B, 24 through 43, No. 44 revised, No. 45 and No. 46 added.

659

660 Mr. Vanarsdall Second.

661

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

664

665 The Planning Commission approved POD-58-06, The Shops @ White Oak Village, subject to
666 the annotations on the plans, the standard conditions attached to these minutes for developments
667 of this type, and the following additional conditions:

668

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

672 11B. Prior to the approval of an electrical permit application and installation of the site
673 lighting equipment, a plan including light spread and intensity diagrams, and fixture
674 specifications and mounting heights details shall be revised as annotated on the staff plan
675 and included with the construction plans for final signature.

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

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

684 permits.

- 685 26. The improvements and drainage facilities for I-64 ramps shall be approved by the
686 Virginia Department of Transportation and the County.
- 687 27. A notice of completion form, certifying that the requirements of the Virginia Department
688 of Transportation entrances permit have been completed, shall be submitted to the
689 Department of Planning prior to any occupancy permits being issued.
- 690 28. The required building setback shall be measured from the proposed right-of-way line and
691 the parking shall be located behind the proposed right-of-way line.
- 692 29. The developer shall provide fire hydrants as required by the Department of Public
693 Utilities and Division of Fire.
- 694 30. A standard concrete sidewalk shall be provided along the west side of Audubon Drive.
- 695 31. Approval of the construction plans by the Department of Public Works does not establish
696 the curb and gutter elevations along the Virginia Department of Transportation
697 maintained right-of-way. The elevations will be set by the contractor and approved by
698 the Virginia Department of Transportation.
- 699 32. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of
700 the Henrico County Code.
- 701 33. Only retail business establishments permitted in a B-3 zone may be located in this center.
- 702 34. The conceptual master plan, as submitted with this application, is for planning and
703 information purposes only.
- 704 35. Outside storage shall not be permitted.
- 705 36. The proffers approved as a part of zoning case C-29C-06 shall be incorporated in this
706 approval.
- 707 37. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
708 form acceptable to the County Attorney prior to final approval of the construction plans.
- 709 38. Deviations from County standards for pavement, curb or curb and gutter design shall be
710 approved by the County Engineer prior to final approval of the construction plans by the
711 Department of Public Works.
- 712 39. Storm water retention, based on the 50-10 concept, shall be incorporated into the
713 drainage plans.
- 714 40. Insurance Services Office (ISO) calculations must be included with the plans and
715 contracts and must be approved by the Department of Public Utilities prior to the
716 issuance of a building permit.
- 717 41. Approval of the construction plans by the Department of Public Works does not establish
718 the curb and gutter elevations along the Henrico County maintained right-of-way. The
719 elevations will be set by Henrico County.
- 720 42. The location of all existing and proposed utility and mechanical equipment (including
721 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
722 shall be identified on the landscape plans. All equipment shall be screened by such
723 measures as determined appropriate by the Director of Planning or the Planning
724 Commission at the time of plan approval.
- 725 43. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of
726 the total site area.
- 727 44. Outdoor display areas are not a part of this approved Plan of Development until the
728 applicant submits details for the outdoor display areas for staff review and Planning
729 Commission approval.

730 45. A five-foot curvilinear sidewalk shall be constructed with the south Laburnum streetscape
731 buffer with a corresponding pedestrian access easement granted to the County.

732 46. There shall be no outdoor storage in trailers or in moveable storage containers.

733

734 Mr. Silber - Mr. Jernigan, would you mind if we passed over the next case LP/POD93-
735 02, The Villas @ Oakland Chase. I believe there is an adjacent property owner who could not
736 get to this meeting in time and if we could pass this over until she arrives.

737

738 Mr. Jernigan - Yes, that's fine.

739

740 Mr. Silber - So, if we can move pass page 9 and go to page 11. POD-60-06, Riverview
741 Green – Phase II.

742

743 **PLAN OF DEVELOPMENT**

744

POD-60-06
Riverview Green – Phase II –
Bent Pine and Greenwood
Roads

Koontz-Bryant, P.C. for Wilton Development: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct an age restricted, gated community with condominium units in four styles; townhouse, duplex, sixplex and cottages. Phase two consists of 172 units and associated site work. The 48.34-acre site is located at the intersection of Greenwood Road and Forest Trace Way on parcel 777-773-0724. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Brookland)**

745

746 Mr. Archer - Is there anyone in the audience in opposition to POD-60-06, Riverview
747 Green – Phase II, in the Brookland District? No opposition. Mr. Strauss.

748

749 Mr. Strauss - Thank you, Mr. Chairman, members of the Commission. This is a request
750 of approval for Phase II of an age-restricted condominium community which will ultimately
751 have up to 361 units. This is a subject of a rezoning case, over a year ago, and the Commission
752 may recall that Phase I was approved last April for the first 49 units which included each type of
753 building proposed in this project. Also determined at the time was the location of an emergency
754 access and temporary construction access to the west to the former Duval property which is now
755 owned by Henrico County, that would be this tract here (referring to map on the screen). Phase
756 III will also have an emergency access which will connect to Winfrey Road to the east.
757 However, that is also subject to future improvements and the extension of Woodman Road. So
758 for the time being, the construction traffic will go through the Duval tract out to Greenwood
759 Road to the west.

760

761 Staff requested during our review a revised plan which responded to a request by the traffic
762 engineer to relocate the emergency access road to the west as the project develops in order to
763 distribute the traffic more equitably throughout the project as it develops and not have it located
764 so close to Greenwood Road. The applicant has responded to that and he has given us that plan,

765 as we handed out this morning, so the traffic engineer is satisfied at this time.

766

767 This phase also includes a future pump station which is located back near the Chickahominy in
768 Phase II. This will be the subject of a separate pump station plan to be reviewed by the
769 Department of Public Utilities. As of now, they are recommending approval of this project. We
770 will be getting more information on the pump station plan at a future date. So, with that, staff is
771 recommending approval this morning and I'll be happy to answer any questions you may have.

772

773 Mr. Vanarsdall - I see that Mike Jennings is here. Would he like to shed some light on
774 what we talked about before, the construction road opening and closing and all that?

775

776 Mr. Strauss - I did leave a message with the Fire Marshall....

777

778 Mr. Vanarsdall - Who is going to represent Fire?

779

780 Mr. Strauss - Well, I don't know if Fire got a hold of Mike, but Mike looked at the
781 pavement section on that temporary construction road. He was satisfied with it. I feel that if
782 Mike is okay with it then....

783

784 Mr. Vanarsdall - And you said that we haven't conveyed the land to Public Utilities yet for
785 the pump station?

786

787 Mr. Strauss - Not at this time, but they have delineated an area with access to the pump
788 station.

789

790 Mr. Vanarsdall - Okay. And what did you say about the construction road, that it would be
791 close or it wouldn't be closed because it will eventually be 50 vehicles....

792

793 Mr. Strauss - Well, as the project builds out, that western location will be closed. It has
794 to serve for some time. That's why fire was concerned about the pavement section to be
795 adequate to support a fire vehicle. In the future, we will be working off the eastern end at
796 Winfrey Road, and that will take some time.

797

798 Mr. Vanarsdall - I don't have any more questions, Mr. Chairman.

799

800 Mr. Archer - All right. Thank you. Anybody else on the Commission have any
801 questions?

802

803 Mr. Vanarsdall - I don't need to hear from the applicant. Mr. Strauss worked on this one
804 longer than he did the other one and later.

805

806 Mr. Archer - Well, Mr. Strauss hasn't been home, has he? Well, all right, Mr.
807 Vanarsdall, I think we are ready for a motion.

808 Mr. Vanarsdall - Thank you, Mr. Chairman. I move that POD-60-06, Riverview Green –
809 Phase II, be approved with the annotations on the plans for developments of this type and added
810 conditions Nos. 24 through 37 and No. 9 amended.

811

812 Mr. Branin - Second.

813

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

816

817 The Planning Commission approved POD-60-06, Riverview Green – Phase II, subject to the
818 annotations on the plans, the standard conditions attached to these minutes for developments of
819 this type, and the following additional conditions:

820

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

824 24. The easements for drainage and utilities as shown on approved plans shall be granted to
825 the County in a form acceptable to the County Attorney prior to any occupancy permits
826 being issued. The easement plats and any other required information shall be submitted
827 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
828 permits.

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

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

834 27. A standard concrete sidewalk shall be provided along the north side of Greenwood Road.

835 28. The proffers approved as a part of zoning case C-37C-05 shall be incorporated in this
836 approval.

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

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

842 31. The applicant shall provide a construction phasing and operations plan for approval by
843 the Director of Planning prior to approval of construction plans.

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

847 33. Approval of the construction plans by the Department of Public Works does not establish
848 the curb and gutter elevations along the Henrico County maintained right-of-way. The
849 elevations will be set by Henrico County.

850 34. The conceptual master plan, as submitted with this application, is for planning and
851 information purposes only. All subsequent detailed plans of development needed to

852 implement this conceptual plan shall be submitted for staff review and Planning
853 Commission approval, and shall be subject to all regulations in effect at the time such
854 subsequent plans are submitted for review/approval.

855 35. The location of all existing and proposed utility and mechanical equipment (including
856 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
857 shall be identified on the landscape plans. All equipment shall be screened by such
858 measures as determined appropriate by the Director of Planning or the Planning
859 Commission at the time of plan approval.

860 36. The applicant shall submit the required plans to the Department of Public Utilities for
861 approval of the pump station and force main by the Director of Public Utilities.

862 37. The owner shall convey the land for the pump station to Henrico County prior to the first
863 certificate of occupancy for the first unit in phase two.

864

865 **PLAN OF DEVELOPMENT (Deferred from the September 27, 2006 Meeting)**

866

POD-53-06
Ample Storage –
4901 Nine Mile Road

Balzer & Associates, Inc. for Ample Storage Laburnum Avenue, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct three, one-story commercial buildings: one 19,222 square foot self storage facility, and two office/retail buildings totaling 19,156 square feet. The 13.50-acre site is located on the southeastern intersection of Nine Mile Road (State Route 33) and S. Laburnum Avenue on parcel 811-723-1052. The zoning is M-1C, Light Industrial District (Conditional) and ASO (Airport Safety Overlay) District. County water and sewer. **(Fairfield)**

867

868 Mr. Archer - Is there anyone in the audience in opposition to this case, POD-53-06,
869 Ample Storage in the Fairfield District? We have opposition. We will get to you, sir. Good
870 morning, Ms. Goggin.

871

872 Ms. Goggin - Good morning. As Mr. Silber mentioned this case was deferred from the
873 September 2006 Agenda. Since that time, the applicant, Ample Storage has agreed to dedicate
874 the ultimate amount of right-of-way required by Public Works for future road widening along
875 both Nine Mile Road and Laburnum Avenue as shown on the plan for these specific
876 developments. The applicant has also agreed to provide a sidewalk with a generous parking lot
877 landscape strip for the two parcels in front of the Commission today.

878

879 In addition to these two improvements, as shown on the plan, the applicant has agreed to a
880 number of improvements on the future outparcels. They have agreed to reseal the parking lot
881 pending POD construction plan approval for those lots and have agreed to dedicate right-of-way
882 and continue the sidewalk as PODs are submitted and parcels are developed. Staff believes that
883 this development and the future projects on this site will bring new life to this intersection and
884 possibly influence the adjacent property owner to reinvest in their own property. Staff
885 recommends approval subject to the annotations on the staff plan, conditions Nos. 24 through 40

886 in the agenda. The applicant is here as well as his representative and I will be happy to answer
887 any questions the Commission may have.

888

889 Mr. Archer - Are there any questions from the Commission? I don't have any Ms.
890 Goggin. You did a good job on this. Thank you so much.

891

892 Ms. Goggin - Thank you.

893

894 Mr. Archer - We have opposition. Would the applicant like to speak first or wait until
895 we hear the opposition? All right, Mr. Jones, come on up, sir. Good morning, sir.

896

897 Mr. Jones - Good morning. My name is W. C. Jones and I'm representing Hechler
898 Village Neighborhood Watch. And the opposition... When they first discussed this before the
899 change they had a meeting to explain everything to us and then I understand that the person from
900 North Carolina dropped out and then when it started back again, we got no information about the
901 changes that were recommended or would be made.

902

903 Mr. Archer - We have had two hearings on this. We had one last month that was
904 deferred.

905

906 Mr. Jones - I was here.

907

908 Mr. Archer - You were here last month?

909

910 Mr. Jones - On the 27th and it was continued until today.

911

912 Mr. Archer - Are there things in here that

913

914 Mr. Jones - We don't know what the things are, that's what I'm saying because there
915 it was changed from the organization in North Carolina and we were not given information on
916 who took up the slack and what changes and recommendations were made.

917

918 Mr. Archer - Well, in that case, Mr. Condlin, I guess you will need to come up and
919 explain what was done between last time and now.

920

921 Mr. Condlin - Mr. Chairman, members of the Commission, Andy Condlin from Williams
922 Mullen representing Ample Storage Laburnum Avenue, LLC. The gentleman, Mr. Steve Gray,
923 has been involved in this transaction from the very beginning with a contract purchaser when we
924 first rezoned this property. It's been a consistent owner, management company, throughout the
925 entire time. The layout of the buildings is consistent with the specific provisions that we had in
926 the zoning case and the site plan that we provided in the zoning case as well. So I think,
927 unfortunately, through the POD process certainly the neighborhood notices, typical
928 neighborhood notices, went out. We did not have any neighborhood meetings because, again,
929 we were very consistent with the zoning case. We had a number of meeting during the zoning
930 process so I think other than the typical notices we did not provide any specific notices to those

931 neighborhoods, but certainly the adjacent property owners which included the homeowners
932 association did get those notices.

933

934 I would also comment, with respect to Ms. Goggin, comments with respect to the sidewalk and
935 street dedications ,pursuant to our correspondence that we have in the file, we committed to
936 make all of those along the entirety of, the boundary line, of the property with Nine Mile Road
937 and Laburnum Avenue. With that, I will be happy to answer any questions.

938

939 Mr. Archer - So what you are saying is that essentially with the exception of the
940 improvements that have been made, there is no essential change to the major plan since you
941 discussed this with the neighbors.

942

943 Mr. Condlin - The site plan was provided is almost exactly the same as during the zoning
944 case. It's the same owner and management company.

945

946 Mr. Branin - So, the subject changes are sidewalks?

947

948 Mr. Condlin - Other than the addition of adding the dedication of the sidewalks and
949 some minor things of that nature, the paving of the parking lot and the dedication of the right-of-
950 way. Only benefits for the County certainly nothing taken away.

951

952 Mr. Archer - Mr. Jones, did you get the indication of what changes were made? I think
953 what we will do, Mr. Condlin, if it is all right with you, could you meet with Mr. Jones out in the
954 lobby and discuss this with him and we will pass this by and bring it back later on in the agenda.

955

956 Mr. Condlin - That will be fine.

957

958 Mr. Jernigan - Andy, he's speaking of the change... Was there a change in the
959 ownership?

960

961 Mr. Condlin - Not, that I am aware of. There has been no change in ownership at all.
962 We were under contract for purchase as it's typical during a zoning case and after that point, it
963 was purchased, and then of course a POD was filed. Now it was purchased in a different name,
964 Ample Storage Laburnum Avenue, LLC, as a specific entity but it's still the same management
965 company, Steve Gray from Lampe Management and etc. So, it has been consistently the same,
966 both are involved in it the same layout so I'm not sure that there are a whole lot of changes from
967 the zoning. It just might be a question of information that we need to provide.

968

969 Mr. Archer - Well, if you could share that with Mr. Jones, we would appreciate it. And
970 we will bring it back to the agenda a little later, Mr. Jones.

971

972 All right. Let's move to the next case.

973

974 **THIS CASE RESUMED LATER DURING THE MEETING. (SEE PAGE 37 OF THESE**
975 **MINUTES)**

976 **AT THIS TIME, THE PLANNING COMMISSION RESUMES WITH POD-62-06 THAT**
977 **WAS PASSED BY EARLIER.**

978

979 Mr. Silber - If we can move on to page 15. This was previously on the Expedited
980 Agenda. We passed it by because there was some concern expressed by Mr. Spain. Staff I
981 believe has talked to Mr. Spain and perhaps we should hear what discussion took place and
982 whether we should hear this case or not.

983

984 **PLAN OF DEVELOPMENT & MASTER PLAN**

985

POD-62-06 Hindu Center of Virginia – 6051 Springfield Road (POD-105-83 and POD-45- 04 Revised)	Balzer & Associates, Inc. for Hindu Center of Virginia: Request for approval of a plan of development and master plan as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 5,476 square foot dining hall, a one-story, 3028 square foot classroom building and a one- story, 9298 square foot temple. The 15.00-acre site is located on the south line of Springfield Road approximately 500 feet west of the intersection of Springfield Road and Staples Mill Road, at 6061 Springfield Road (State Route 157), on parcel 760-769- 9631. The zoning is A-1, Agricultural District. County water and septic tank/drainfield. (Brookland)
------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

986

987 Mr. Kennedy - I'll just try to summarize the discussion. The Hindu Center was
988 previously approved in June 2004. These are revisions of the original plan. The temple itself
989 was enlarged slightly about a third and moved farther back on the site. The height of the temple
990 was reduced. Originally the height of the temple was supposed to be 52 feet, I mean 72 feet, it
991 has been reduced to 52 feet. Essentially, the drainage components of this are the same and they
992 were previously approved in June 2004. Mr. Spain lives in this property, right here (referring to
993 map on screen). There is a detention basin located on the property at this location right here and
994 that has actually been constructed. The previous construction plans were approved and they
995 built all of the parking lot improvements and the detention basin has been converted from a
996 sediment basin into a full basin so it is actually functioning at this time. They just didn't build
997 the structure because they decided that they wanted to build a bigger structure. They made this
998 amendment.

999

1000 Mr. Spain was concerned about drainage coming across his property. There is a wetlands that
1001 borders Mr. Spain's property and Mr. Ridenhower's property, right along here. It's kind of
1002 shown by that dark line on the overall plan. And that wetlands is actually an existing wetlands.
1003 There are wetlands behind the (unintelligible) that exist. Public Work engineer has explained to
1004 Mr. Spain that the way the design was made, it's called a 50-10 detention as you all know 50-10
1005 detention over detains, so predevelopment rate of water flow across the property, the 10-year
1006 storm, that's released post development, whatever was developed for a 50-year storm. So a 50-
1007 year storm is still contained in a 10-year storm channel from predevelopment. So, it's actually
1008 over detaining. However, Mr. Spain is concerned about drainage coming cross his property, he
1009 doesn't know the limits of the wetlands and he was told by the design engineer, Keith White,

1010 that it has to be contained within the wetlands limit. And that they can't pipe it because of
1011 Federal and State laws, not anything that the County does. So, the County is going to send out
1012 someone, Robin and Wilder, out there to work with Mr. Spain and with the applicant to mark the
1013 wetlands so that Mr. Spain knows the limits of the wetlands are. If there is a problem after that,
1014 we will deal with it during design review. So, Mr. Spain's concern appears to be addressed at
1015 this time, and will be addressed during design phase. So, we can move forward with
1016 recommendation.

1017

1018 As I said earlier, this plan was previously approved in June 2004. It is essentially the same plan
1019 as far as the parking is concerned, as far as the class of the building is concern as far as the
1020 design of the building is concerned. The original temple was in this location, here, which is right
1021 behind Linden Pointe and because of the height and the size and mass of the building the temple
1022 has decided to move farther back on the property and is basically surrounded by wetland. I
1023 guess they wanted a more serene setting and have less impact on the neighbors. I think it is a
1024 combination of things but staff recommends approval at this time.

1025

1026 Mr. Vanarsdall - So, Mr. Spain was very satisfied when he left, that someone was going to
1027 meet with him and look at it.

1028

1029 Mr. Kennedy - And show him what the limits are to the wetlands.

1030

1031 Mr. Vanarsdall - That's the only way to solve it. Thank you. And the gentleman here, are
1032 you okay?

1033

1034 Mrs. Jones - May I ask a quick question, Mr. Kennedy? I apologize I don't know the
1035 answer, and I probably should, but do any of the towers in this design, on these elevations, are
1036 there bells or any kind of

1037

1038 Mr. Kennedy - No. There are no bells, no chimes.... We did ask that question during
1039 review.

1040

1041 Mr. Vanarsdall - That is a good question.

1042

1043 Mr. Kennedy - Yes, that is a good question. A church steeple in this area, is zoned A-1,
1044 could be as high as 75 feet. The previous one didn't require a special exception, this does not
1045 require a special exception for height even though it is 52 feet, but there are no chimes, no bells,
1046 no calls, or anything like that, no speakers.

1047

1048 Mrs. Jones - Thank you.

1049

1050 Mr. Vanarsdall - I see two gentlemen here this morning. I'm glad to have you here
1051 (speaking about two gentlemen sitting in the audience).

1052

1053 Mr. Archer - All right, Mr. Vanarsdall, I guess we can go on with this, I suppose.

1054 Mr. Vanarsdall - I don't need to hear from the applicant. Thank you, Mike, you did a good
1055 job on this. With that, Mr. Chairman, I move POD-62-06, Hindu Center of Virginia, be
1056 approved with the annotations on the plans, the standard conditions for developments of this
1057 type, added conditions Nos. 24 through 34 and on the addendum I want to add No. 9 amended.

1058

1059 Mr. Branin - Second.

1060

1061 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Branin.
1062 All in favor say aye...all opposed say nay. The motion passes.

1063

1064 The Planning Commission approved POD-62-06 (POD-105-83 and POD-45-04 Revised), Hindu
1065 Center of Virginia, subject to the annotations on the plans, the standard conditions attached to
1066 these minutes for developments of this type, and the following additional conditions:

1067

1068 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
1069 Planning for review and Planning Commission approval prior to the issuance of any
1070 occupancy permits.

1071 24. The easements for drainage and utilities as shown on approved plans shall be granted to
1072 the County in a form acceptable to the County Attorney prior to any occupancy permits
1073 being issued. The easement plats and any other required information shall be submitted
1074 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
1075 permits.

1076 25. The entrances and drainage facilities on Springfield Road shall be approved by the
1077 Virginia Department of Transportation and the County.

1078 26. A notice of completion form, certifying that the requirements of the Virginia Department
1079 of Transportation entrances permit have been completed, shall be submitted to the
1080 Department of Planning prior to any occupancy permits being issued.

1081 27. The developer shall provide fire hydrants as required by the Department of Public
1082 Utilities and Division of Fire.

1083 28. A standard concrete sidewalk shall be provided along the south side of Springfield Road.

1084 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
1085 form acceptable to the County Attorney prior to final approval of the construction plans.

1086 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
1087 approved by the County Engineer prior to final approval of the construction plans by the
1088 Department of Public Works.

1089 31. The applicant shall furnish proof to the Department of Planning that conditions
1090 satisfactory to the Health Department have been met that insure the proposed septic tank
1091 drainfield system is suitable for this project prior to the issuance of a building permit.

1092 32. Insurance Services Office (ISO) calculations must be included with the plans and
1093 contracts and must be approved by the Department of Public Utilities prior to the
1094 issuance of a building permit.

1095 33. Approval of the construction plans by the Department of Public Works does not establish
1096 the curb and gutter elevations along the Virginia Department of Transportation
1097 maintained right-of-way. The elevations will be set by the contractor and approved by
1098 the Virginia Department of Transportation.

1099 34. The location of all existing and proposed utility and mechanical equipment (including
1100 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
1101 shall be identified on the landscape plans. All equipment shall be screened by such
1102 measures as determined appropriate by the Director of Planning or the Planning
1103 Commission at the time of plan approval.
1104

1105 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**
1106

POD-61-06 Bay Design Group, P.C. for Gayton Road Properties, LLC: Request
Wingate Inn – for approval of a plan of development and special exception as
N. Gayton Road required by Chapter 24, Sections 24-2, 24-94b, and 24-106 of the
(POD-42-05 Revised) Henrico County Code, to construct a five-story, 62 foot-high, 105-
room, 57,122 square foot hotel and parking structure. The 1.547-acre
site is located on the east line of N. Gayton Road, approximately 540
feet north of W. Broad Street (U.S. Route 250) on parcel 734-765-
4705. The zoning is B-3C, Business District (Conditional) and W.
Broad Street Overlay (WBSO) District. County water and sewer.
(Three Chopt)

1107

1108 Mr. Archer - Thank you, sir. Is there anyone present who is opposed to this plan of
1109 development, POD-61-06, Wingate Inn, in the Three Chopt District? I don't see any
1110 opposition. Mr. Kennedy.

1111

1112 Mr. Kennedy - Good morning, again. This project is located adjacent to Dominion
1113 Chevrolet on North Gayton Road. It was originally approved by the Planning Commission as
1114 POD-42-05 in July of 2005 as a five-story, 52 foot high hotel with 73 rooms, so it did have a
1115 special exception that time. It was five stories and it remains five stories. At that time, the
1116 first floor was parking and the numbers have risen a little by the amount of parking that is
1117 available. Since that time, the developer has proposed to construct underground parking, to put
1118 parking not in the building, but actually underground, in order to be able to increase the
1119 number of rooms to 103 rooms, from 73 to 103.

1120

1121 The new building would also be five stories. The height would be 62 feet instead of 52 feet,
1122 and the overall master building has changed because there is no space in there for parking and
1123 it would be filled out to the fifth floor to accommodate the additional rooms. A special
1124 exception will be required, because the building is over 45 feet in height and over three-stories
1125 tall, for both of those reasons. The subject site is very constricted. The western property line
1126 has a 35-foot buffer along North Gayton Road as proffered and North Gayton Road is to be
1127 used as a flyover road over 64, as you recall. The southern and eastern property lines are
1128 bounded by the access drop of the property and so there is very limited area to do landscaping
1129 there because of sight distance. So, the north of this property is a BMP which actually serves
1130 the adjoining property and it fronts the open space which is actually a BMP for another
1131 property. Because of limited sight distance along the access drive and due to which is actually
1132 a retaining wall, goes down to the lower grade and the fact that the underground structure
1133 itself, the site itself has limited areas for landscaping. The developer has agreed, as we have

1134 indicated, that they had actually to construct planters on the parking deck to accommodate that.
1135 It will require special design to accommodate fire trucks, as well. Staff recommends approval
1136 subject to Condition No. 9 Amended so that the landscape plan will come back to the Planning
1137 Commission. Representatives of the applicant are here to present their case for Special
1138 Exception.

1139

1140 Mr. Archer - All right. Good morning, sir.

1141

1142 Mr. Bawah - Good morning. My name is Harry Bawah. I am the developer of
1143 Wingate Inn. When we looked at the 66 room hotel earlier, the economics just wasn't feasible
1144 to go ahead with that plan, so we decided to increase the number of rooms, which means going
1145 underground for underground parking and adding a 5th floor, and that makes economics
1146 somewhat feasible.

1147

1148 Mr. Archer - Any questions?

1149

1150 Mr. Branin - I have a question, and you guys looked at the feasibility of putting
1151 parking underground?

1152

1153 Mr. Bawah - That is correct.

1154

1155 Mr. Branin - And you understand that the request for the density of the site
1156 associated, and I am not sure how you guys are going to pull off the landscaping. Do you have
1157 any ideas on how you are going to cover your requirements for landscaping on this?

1158

1159 Mr. Caskie - Good morning. I am Dan Caskie with Bay Design Group and like Mike
1160 said, we do intend to put planting containers in some of the areas that are dead spaces in the
1161 parking and we will put ornamental trees in them and bushes and whatever we need to do to
1162 beef that up, and I think there is also some little areas of the islands that we can choose to not
1163 pave, and squeeze some trees in there. So, I think we can get the percentage of landscaping
1164 that we need internally.

1165

1166 Mr. Silber - Mr. Branin, I think your point is well taken. As we can tell from the
1167 plans and look at the details, it is going to be a very intensely developed piece of property with
1168 parking underneath the building, and a five-story hotel on a very small piece of property, so it
1169 will be very important to pay attention to the details and get the landscaping where we can, and
1170 I think it will be absolutely critical for the appearance of this site to have the advantages of
1171 some careful design during the landscaping stage.

1172

1173 Mrs. Jones - Excuse me. Do I understand that the underground parking is
1174 eliminated?

1175

1176 Mr. Caskie - No. We still have underground parking. We have underground parking.
1177 We did not have it before.

1178 Mr. Branin - OK, I think if you guys can pull this project off, my hat is off to you. I
1179 just want to make sure you understand the requirements of your landscape and with it being
1180 intense, and I will definitely be following it and I'd like to see it as soon as possible and how
1181 you are going to do it. I have no further questions, Mr. Chairman.

1182

1183 Mr. Archer - All right. Does anyone else have questions? There is a Special
1184 Exception that has to be granted, so go ahead, Mr. Branin. You can do them in whatever order
1185 you want.

1186

1187 Mr. Branin - I am going to do the Special Exception first. Mr. Chairman, I move for
1188 approval of Special Exception for POD-61-06, Wingate Inn, to permit a five-story 62 foot high
1189 building as presented, subject to conditions and annotations on the plans of development.

1190

1191 Mr. Vanarsdall - Second.

1192

1193 Mr. Archer - Motion by Mr. Branin and second by Mr. Vanarsdall for the Special
1194 Exception. All in favor say aye. All opposed say no. The ayes have it. That motion passes.

1195

1196 The Planning Commission approved Special Exception for POD-61-06, Wingate Inn – N.
1197 Gayton Road (POD-42-05 Revised), to permit a five-story, 62-foot high building.

1198

1199 Mr. Branin - And with that I'd like to move for approval of POD-61-06, Wingate Inn,
1200 as presented, subject to the standard conditions for developments of this type, the annotations
1201 on the plans, and additional conditions Nos. 24 through 31 shown on the agenda and Condition
1202 31 on the addendum, with Conditions No. 9 and 11 Amended.

1203

1204 Mr. Vanarsdall - Second.

1205

1206 Mr. Archer - The motion was made by Mr. Branin and seconded by Mr. Vanarsdall.
1207 All in favor say aye...all opposed say nay. The motion passes.

1208

1209 The Planning Commission approved Plan of Development and Special Exception for POD-61-
1210 06, Wingate Inn (POD-42-05 Revised), subject to the annotations on the plans, the standard
1211 conditions attached to these minutes for developments of this type, and the following
1212 additional conditions:

1213

1214 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
1215 Planning for review and Planning Commission approval prior to the issuance of any
1216 occupancy permits.

1217 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
1218 depictions of light spread and intensity diagrams, and fixture and specifications and
1219 mounting height details shall be submitted for Department of Planning review and
1220 Planning Commission approval.

1221 24. The easements for drainage and utilities as shown on approved plans shall be granted to
1222 the County in a form acceptable to the County Attorney prior to any occupancy permits

- 1223 being issued. The easement plats and any other required information shall be submitted
 1224 to the County Real Property Agent at least sixty (60) days prior to requesting
 1225 occupancy permits.
- 1226 25. The developer shall provide fire hydrants as required by the Department of Public
 1227 Utilities and Division of Fire.
- 1228 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
 1229 approved by the County Engineer prior to final approval of the construction plans by
 1230 the Department of Public Works.
- 1231 27. Insurance Services Office (ISO) calculations must be included with the plans and
 1232 contracts and must be approved by the Department of Public Utilities prior to the
 1233 issuance of a building permit.
- 1234 28. Approval of the construction plans by the Department of Public Works does not
 1235 establish the curb and gutter elevations along the Henrico County maintained right-of-
 1236 way. The elevations will be set by Henrico County.
- 1237 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 1238 Department of Planning and approved prior to issuance of a certificate of occupancy for
 1239 this development.
- 1240 30. The location of all existing and proposed utility and mechanical equipment (including
 1241 HVAC units, electric meters, junction and accessory boxes, transformers, and
 1242 generators) shall be identified on the landscape plans. All equipment shall be screened
 1243 by such measures as determined appropriate by the Director of Planning or the
 1244 Planning Commission at the time of plan approval.
- 1245 31. The proffers approved as a part of zoning cases C-27C-98 and C-62C-98 shall be
 1246 incorporated in this approval.

1247
 1248 **PLAN OF DEVELOPMENT**

1249

POD-63-06
 The Wellness Village @
 Starling –
 1400 Starling Drive

Michael Hurand for Paige Beale: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 4,848 square foot medical office building. The .403-acre site is located on the west line of Starling Drive, approximately 360 feet south of Quioccasin Road on part of parcel 752-744-2461. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

1250

1251 Mr. Archer - Is there anyone present who has opposition to POD-63-06, The Wellness
 1252 Village @ Starling, in the Tuckahoe District? No opposition. Ms. Goggin.

1253

1254 Ms. Goggin - An annotated staff plan was just handed out to you. The applicant has
 1255 provided the documentation from Taubman Regency that they are agreeable with this project
 1256 and indicating that the applicant can reconfigure the existing traffic pattern in the shared
 1257 parking lot. With this detail provided, staff can recommend approval subject to the annotations
 1258 on the staff plan, Conditions Nos. 9 and 11 Amended, Conditions 24 through 32 in the agenda

1259 and the applicant is here to answer any questions the Commission may have, as well as staff.

1260 Mr. Archer - All right. Thank you, Ms. Goggin. Any questions for Ms. Goggin?

1261

1262 Mrs. Jones - Ms. Goggin, do you have any colored elevations (unintelligible)?

1263

1264 Ms. Goggin - I do not have any color elevations. I do have in your staff plan – I do
1265 have the elevations with the color information provided by the applicant. It is a board and
1266 batton style building with galvanized steel roof and accents. Let me open mine up, because I
1267 can't quite read it.

1268

1269 Mrs. Jones - It is not easy.

1270

1271 Ms. Goggin - The brick is going to be a natural red brick. The wood will be stained,
1272 parts of it will be stained a deep natural brown and parts of it stained more of a light natural
1273 brown. The doors will be painted a brown to match the building.

1274

1275 Mr. Branin - Ms. Goggin, does this keep in line with the original architecture that is
1276 out there?

1277

1278 Ms. Goggin - Yes, sir. The building in front of this new building was a restaurant that
1279 was built in the 1980s and it is the same style architecture. It has since been painted a different
1280 color. It stands out a little more than I think this one will. This one is going to look more
1281 natural and organic than the future Disco Sports. It is painted a blue, but...

1282

1283 Mr. Vanarsdall - More toned down.

1284

1285 Ms. Goggin - More toned down. Yes, sir.

1286

1287 Mr. Archer - All right. Any more questions of Ms. Goggin?

1288

1289 Mrs. Jones - I appreciate very much the work that you have done. We have had a bit
1290 of a time making sure that all of the details are in place, including the letter from Taubman, and
1291 that was our big stumbling block for today. But, I am very happy for Ms. Beale's sake that this
1292 has come through, because she is anxious to begin. I would like to move for approval of POD-
1293 63-06, with the standard conditions for developments of this type and additional conditions,
1294 No. 9 Amended, 11 Amended, and 24 through 32, and the annotations on the plan.

1295

1296 Mr. Vanarsdall - Second.

1297

1298 Mr. Archer - The motion by Mrs. Jones and second by Mr. Vanarsdall. All in favor
1299 of the motion say aye. All opposed say no. The motion passes.

1300

1301 The Planning Commission approved POD-63-06, The Wellness Village @ Starling, subject to
1302 the annotations on the plans, the standard conditions attached to these minutes for
1303 developments of this type and the following additional conditions:

and sewer. (Fairfield)

1339

1340 Mr. Archer- Is there anyone here who is opposed to POD-60-05, Comfort Suites @
1341 Virginia Center – Telegraph Road, in the Fairfield District? I see no opposition. Mr. Garrison.

1342

1343 Mr. Garrison - Mr. Chairman, Planning Commission members, Comfort Suites is a
1344 reconsideration to a POD that was previously approved last year. The original approval was
1345 for two 5-story hotels with a total of 163 rooms and 23,587 square feet. Hotel A, which was
1346 102 rooms, had 16,357 square feet and Hotel B was for 61 rooms and 7, 230 square feet. The
1347 applicant, Kaylen III, Inc. is still proposing two five-story hotels, but Hotel A is now for 100
1348 rooms and 17, 569 square feet, and Hotel B is for 84 rooms, and 9,995 square feet, for a total
1349 of 184 rooms and 27, 564 square feet. This represents an increase in 21 rooms and 3,977
1350 square feet over the original proposal. In order to meet the parking requirements for the
1351 increase in square feet, the stormwater BMP was placed underground in the parking area.

1352

1353 Staff recommends approval subject to the annotations on the plans and the standard conditions
1354 for developments of this type and additional conditions Nos. 24 through 38 on page 28 of your
1355 agenda. Staff and representatives of the applicant are available to answer any questions that
1356 you may have.

1357

1358 Mr. Archer - Thank you, Mr. Garrison. I don't have any questions. You and I
1359 discussed this the other day. The only reservation that you seemed to have had to do with the
1360 landscaping. Is that to your satisfaction or do you think we need to add No. 9 Amended, or do
1361 you think you can handle it?

1362

1363 Mr. Garrison - I think I can handle it. I have confidence in Mr. Grogan. He is a
1364 landscape architect.

1365

1366 Mr. Archer - OK. Does anybody else have any questions?

1367

1368 Mr. Silber- Mr. Garrison, you lost me for a minute. You said additional condition
1369 on the addendum, No. 38? The regular agenda has a 38. I don't see a 38 on the addendum.

1370

1371 Mr. Archer - I think it is just on the regular agenda, Mr. Silber.

1372

1373 Mr. Silber - The regular agenda has conditions 24 through 38, with No. 38 reading
1374 "The developer shall provide a continuous evergreen hedge adjacent to Telegraph Road behind
1375 the guardrail.

1376

1377 Mr. Garrison - Yes. Did I say 32? I meant 38.

1378

1379 Mr. Archer - I think you said it was on the addendum.

1380

1381 Mr. Garrison - It is additional condition 38 on page 28 on the regular agenda.

1382

1383 Ms. Jones - Are these sidewalks completed in there?
1384

1385 Mr. Garrison- Not on the Comfort Suite side. There is a drainage ditch. There is no
1386 sidewalk on this side. On the other side of Telegraph Road there is a sidewalk. The shopping
1387 mall is right here (referring to rendering) and then right here on this side, there was just not
1388 enough room for a sidewalk. You get faced with Telegraph Road and guardrail, and that
1389 complicates...

1390
1391 Mr. Archer - But it is on the shopping center side?
1392

1393 Mr. Garrison - Yes.
1394

1395 Mr. Archer - All right. Any other questions? All right. Then I will move for approval
1396 of POD-60-05, Comfort Suites @ Virginia Center – Telegraph Road, subject to the annotations
1397 on the plan, the standard conditions for this type of development and additional conditions
1398 Nos. 24 through 38.

1399
1400 Mr. Vanarsdall - Second.
1401

1402 Mr. Archer - The motion was made by Archer and seconded by Mr. Vanarsdall. All
1403 in favor say aye...all opposed say no. The motion passes.

1404
1405 The Planning Commission approved Revised Plan of Development for Reconsideration for
1406 POD-60-05, Comfort Suites @ Virginia Center, subject to the annotations on the plans, the
1407 standard conditions attached to these minutes for developments of this type and the following
1408 additional conditions:

- 1409
- 1410 24. The easements for drainage and utilities as shown on approved plans shall be granted to
1411 the County in a form acceptable to the County Attorney prior to any occupancy permits
1412 being issued. The easement plats and any other required information shall be submitted
1413 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
1414 permits.
- 1415 25. The developer shall provide fire hydrants as required by the Department of Public
1416 Utilities and Division of Fire.
- 1417 26. Outside storage shall not be permitted.
- 1418 27. The proffers approved as a part of zoning case C-116C-88 shall be incorporated in this
1419 approval.
- 1420 28. The certification of building permits, occupancy permits and change of occupancy
1421 permits for individual units shall be based on the number of parking spaces required for
1422 the proposed uses and the amount of parking available according to approved plans.
- 1423 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
1424 form acceptable to the County Attorney prior to final approval of the construction plans.
- 1425 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
1426 approved by the County Engineer prior to final approval of the construction plans by the
1427 Department of Public Works.

- 1428 31. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of
 1429 the Henrico County Code.
- 1430 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the
 1431 drainage plans.
- 1432 33. Insurance Services Office (ISO) calculations must be included with the plans and
 1433 contracts and must be approved by the Department of Public Utilities prior to the
 1434 issuance of a building permit.
- 1435 34. Approval of the construction plans by the Department of Public Works does not establish
 1436 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 1437 elevations will be set by Henrico County.
- 1438 35. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 1439 Department of Planning and approved prior to issuance of a certificate of occupancy for
 1440 this development.
- 1441 36. The location of all existing and proposed utility and mechanical equipment (including
 1442 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 1443 shall be identified on the landscape plans. All equipment shall be screened by such
 1444 measures as determined appropriate by the Director of Planning or the Planning
 1445 Commission at the time of plan approval.
- 1446 37. A note in bold lettering shall be provided on the erosion control plan indicating that
 1447 sediment basins or traps located within buildable areas or building pads shall be
 1448 reclaimed with engineered fill. All materials shall be deposited and compacted in
 1449 accordance with the applicable sections of the state building code and geotechnical
 1450 guidelines established by the engineer. An engineer's report certifying the suitability of
 1451 the fill materials and its compaction shall be submitted for review and approval by the
 1452 Director of Planning and Director of Public Works and the Building Official prior to the
 1453 issuance of any building permit(s) on the affected sites.
- 1454 38. The developer shall provide a continuous evergreen hedge adjacent to Telegraph Road,
 1455 behind the guardrail.

1456
 1457 **AT THIS TIME, THE PLANNING COMMISSION RESUME WITH POD-53-06.**

1458
 1459 Mr. Silber - If I could direct your attention back to page 13 of your agenda, POD-53-
 1460 06.

1461
 1462 **PLAN OF DEVELOPMENT (Deferred from the September 27, 2006 Meeting)**

1463
 POD-53-06
 Ample Storage –
 4901 Nine Mile Road

Balzer & Associates, Inc. for Ample Storage Laburnum Avenue, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct three, one-story commercial buildings: one 19,222 square foot self storage facility, and two office/retail buildings totaling 19,156 square feet. The 13.50-acre site is located on the southeastern intersection of Nine Mile Road (State Route 33) and S. Laburnum Avenue on parcel 811-723-1052. The zoning is M-1C, Light Industrial District

(Conditional) and ASO (Airport Safety Overlay) District.
County water and sewer. **(Fairfield)**

1464 Mr. Silber - This matter was heard earlier in the agenda. Mr. Jones had some
1465 concerns. Mr. Bowman wanted to address those concerns in the lobby and perhaps we can
1466 hear where this is now.

1467

1468 Mr. Condlin - Are we having some technical difficulty? I believe the concern was
1469 (unintelligible). This is the original exhibit that went as a proffered zoning case and, as you
1470 can see, over on the left side there is some fuzzy writing that says "Parcel A". Part of our POD
1471 includes a building over there. Mr. Jones' concerns were that that seemed to be a new building
1472 other than what was represented during the zoning case. If you remember, during the zoning
1473 case, Mr. Archer, we had long discussions about whether a service station and gas station
1474 would be allowed on that corner. My recollection is most of the folks in the neighborhood
1475 were more concerned about what was closer to them over on that side where the individual lots
1476 were and the blocking of the view. I talked to Mr. Jones. They have a neighborhood meeting
1477 coming up in November. We are going to let them know the status of where we are, but
1478 certainly that building is permitted by zoning and meets all of the requirements of the Code
1479 and we would like to continue forward. I don't know if Mr. Jones has anything else. We were
1480 just discussing the history of how we got where we were, and, again, there is no change in
1481 ownership other than the place of contracts. It is a little bit speculative.

1482

1483 Mr. Archer - Mr. Jones, were you reasonably satisfied with where we are?

1484

1485 Mr. Jones - No. When we met he gave us information about how the Sears Building
1486 would be converted to storage, and a second building would be put in front of the Sears
1487 Building, so they would have a blockage there, and then the second building would be in front
1488 of that one, and the third building, but there was no discussion about the lot on the side, except
1489 that maybe there would be something added later, and the way it is now, we agreed with the
1490 buildings straight in a row, and there was no discussion about the buildings on the side. And
1491 now we come in here and you've got two additional buildings that were never discussed in any
1492 respect. So, we are asking for the group to come back to the organization in November to
1493 explain and give them an opportunity to agree with it or to oppose it at the next meeting. We
1494 hope we'll get it continued on this today, so that we can meet with the group.

1495

1496 Mr. Archer- When do you meet in November, Mr. Jones?

1497

1498 Mr. Jones- I thought it was the 7th, but the 7th is voting day, so I am not sure
1499 whether it is the second Tuesday or when. I have to get the date. I told Mr. Condlin I would
1500 give him a call and give him the exact date. But it is in November. And it would be no later
1501 than the second week of November.

1502

1503 Mr. Archer - Mr. Condlin.

1504

1505 Mr. Jernigan - Can I ask a personal question?

1506

1507 Mr. Archer - Yes. Go right ahead.
1508

1509 Mr. Jernigan - Mr. Jones, looking at the original, this came out originally, the two
1510 buildings are on there, and you knew about that.
1511

1512 Mr. Jones - Those two buildings to the left?
1513

1514 Mr. Jernigan - The two buildings right in front of the Sears Building.
1515

1516 Mr. Jones - Oh, yes.
1517

1518 Mr. Jernigan - OK, so the one that was blank over on the left-hand side, there was a
1519 discussion. Do you remember the discussion that there may be a service station there?
1520

1521 Mr. Jones - I remember the discussion was about the Sears building, any additional
1522 buildings in front of Sears, and the tire shop to the right. And we received a notice that the
1523 company from North Carolina had dropped out and that it would not be done. The next thing
1524 we knew, they were renovating the Sears Building and the old tire shop became a, I thought it
1525 was another tire shop, but he says auto shop. So, we still wouldn't have any opposition to that.
1526 But, now, I can't speak for the organization if they, on the two additional buildings, which was
1527 never discussed with us in any respect, would they be in favor of them or be in opposition.
1528 The only thing I am asking is would you give us a continuance so Mr. Condlin can come in and
1529 speak with the organization a second time and explain to them exactly what, and if they would
1530 go along, I mean approve or agree with it or disagree and come out in masses to oppose it. I
1531 don't know which way it would go.
1532

1533 Mr. Archer - Mr. Jones, do you recall the zoning case? I know it has been a while
1534 back, but I do remember we specifically said we didn't want a service station there, but there
1535 were to be other buildings in the out parcel, as it was described then.
1536

1537 Mr. Jones - No.
1538

1539 Mr. Archer - You are not aware of that?
1540

1541 Mr. Jones - No. That is one thing. When he showed me the shot about two
1542 additional buildings and I see three in a row. No, I didn't know anything about it.
1543

1544 Mr. Archer - Mr. Condlin, can you come up, please. I am sure your memory is better
1545 than mine on this. Where did we go with the zoning case on this? What was the premise of
1546 the zoning case for the out parcel?
1547

1548 Mr. Condlin - Well, for the entirety of the property, it was actually zoned, I believe, B-
1549 3 zoning and then we came forward with an M-1 and subjected the entire zoning with
1550 conditional proffers, which included on that outparcel a number of, I think significant in our
1551 minds, are restrictions on the uses that would otherwise be permitted in the B-3, including...

1552 the big debate was whether we would give out the service station and gas station which we
1553 didn't want to but we saw the errors of our ways eventually and ultimately gave that in. I
1554 mean, there was a discussion, and I will be honest, during the neighborhood meeting there was
1555 little discussion about what would go on at the outparcel because one, it is a heavily traffic
1556 corner and it was hidden from the neighborhood by these other buildings. These other
1557 buildings were a greater concern in the elevation and in the zoning case we specifically
1558 provided for elevation and the layout, I think a lot more detail in the layout of what the
1559 building would be in order to address the concerns of the neighbors with respect to the corner
1560 piece. This will be developed in the future with a parking lot. I think everyone intended for it
1561 to be an outparcel we just didn't know if there were going to be one or two buildings on that
1562 large parcel at the corner and right now we are proposing two buildings. I would suggest that
1563 we will continue to meet with the neighbors, go out and meet with them, but certainly... we
1564 deferred last month we could have addressed this last month if we had known that there was
1565 opposition but we weren't aware of any. And I apologize about the notice, no notice came to
1566 me or Mr. Gray or myself about the change in ownership or from the County that I am aware
1567 of. That's neither here or there but it's still the same ownership and it's really quite frankly the
1568 same plan. I think everyone understood, certainly at the County, and at the neighborhood
1569 meetings. We tried to make everyone aware of it that there was going to be development on
1570 that corner. It is a pretty significant outparcel that was just a parking lot now and, again, it is
1571 permitted by right what we are proposing.

1572

1573 Mr. Silber - Mr. Jones, one of the challenges that the Planning Commission is that
1574 when properties are rezoned they have some flexibilities or some legislative prerogative, they
1575 and the Board of Supervisors, in what uses go in certain locations. In this case, the property
1576 has already been rezoned. This property has the ability to be developed in accordance with
1577 those proffered conditions and zoning requirements. So, the applicant has come in, in this
1578 case, and has proposed to place a retail building on a piece of property which they fully have
1579 the right to do. Now, they have to meet all of the technical requirements as a plan of
1580 development and they have done that. So, they are before the Planning Commission meeting
1581 all of the requirements. I think what your point is is that it looks a little different from what
1582 you recalled when the rezoning went through. My concern is that it is difficult to continue to
1583 delay this when they are meeting all of the County requirements. Now they could defer this to
1584 allow the applicant to go out and meet with you at your community meeting and defer this and
1585 have this heard again but I'm not sure what is going to be gained from the Planning
1586 Commission's perspective. I do want the neighborhood to be informed and I am sensitive to
1587 your concern when it comes to that.

1588

1589 Mr. Jones - I understand what you are saying, but if this has been discussed in the
1590 early beginning, like Mr. Condlin said, maybe there would have been more opposition to it.
1591 But, we were given the idea of three additional buildings and the old tire shop. But, there were
1592 no discussion of any buildings on the other side in any respect. And we were deceived into
1593 thinking what he told us at the meeting and what you said was brought before the Planning
1594 Commission is two different things.

1595

1596 Mr. Silber - I think at the time of zoning they didn't have any plans at that time as to

1597 what they wanted to do with that parcel out by the corner.

1598

1599 Mr. Jones - That's exactly what I am saying. And there was no discussion about
1600 doing anything over there it was only the Sears building, the three additional buildings and the
1601 tire shop, those were the only things discussed. So, we were deceived by either Mr. Condlin at
1602 that meeting or the plans were changed, or the plans that were presented was not what we were
1603 told from the very beginning. That's all I'm saying.

1604

1605 Mr. Silber - I understand where you are coming from. I think what you saw at the
1606 time of zoning was nothing on that piece of property because they didn't have any plans at that
1607 time, but now....

1608

1609 Mr. Jones - And there was no discussion.

1610

1611 Mr. Silber - And now they have plans on that piece of property and you are seeing it
1612 for the first time.

1613

1614 Mr. Jones - They had plans in the beginning and they didn't tell us.

1615

1616 Mr. Archer - Well, Mr. Jones, when we did the zoning case I can recall that there was
1617 discussion about what would go on the corner. Nobody knew exactly what it was then but I do
1618 know specifically I said there were some things that we did not want and then we had them
1619 proffered out. The main thing being service stations because I felt like we had enough service
1620 stations in that area to serve.

1621

1622 Mr. Jones - I remember the discussion about a service station but there was little
1623 discussion about the service station because they agreed, I believe at that time, that there would
1624 not be a service station.

1625

1626 Mr. Archer - Right. And, I guess what we are trying to say now, at this point, there
1627 has been nothing specifically discussed as to what would go there but they can by right build
1628 whatever would fit within the conditions of the zoning classification and what has not been
1629 proffered out.

1630

1631 Mr. Jones - Right. I understand that, but if we had the knowledge of what the plans
1632 were then, and not what we were given, then it would have been more opposition to the plan.

1633

1634 Mr. Archer - But, were you told specifically that nothing would be built there?

1635

1636 Mr. Jones - No, no. There was no discussion except for the service station but they
1637 didn't say where because we weren't sure if the service station was one of the three buildings,
1638 when it was discussed.

1639

1640 Mr. Jernigan - That was made clear because I remember that case. We discussed that
1641 service station a lot and the Commission really didn't feel like that the service station should

1642 go on that corner. That wasn't the best use of it.

1643

1644 Mr. Jones - Okay. You are saying it was on the corner, we weren't there to discuss
1645 about where the service station was going, we were there to discuss the three buildings, the tire
1646 shop and the Sears building. We thought that one of those three buildings would have been a
1647 service station and we were in opposition to it.

1648

1649 Mr. Jernigan - Mr. Jones, what would you like to see on the corner?

1650

1651 Mr. Jones - Right now I can't speak for the organization and that's why I asked Mr.
1652 Condlin to come and speak to the group and explain to them what is really going on because
1653 we had no knowledge of this, and there was no discussion.

1654

1655 Mr. Jernigan - This is a shopping center that has been half vacant for many years. The
1656 Sears building is looking good now. It's finished and open and they are putting these two
1657 other parcels out which are on the original plan which is the closest to your neighborhood. So,
1658 the only thing in question is the parcel on the corner and they are showing one building there
1659 that comes up now. But, you wouldn't want another building on there. When we speak of
1660 service stations, we don't speak of that as a building. We speak of it specifically as a service
1661 station, and nobody on the Commission felt that that was good for that. So, after that point we
1662 would think that another retail building or office building or something, well it would be a
1663 retail building that would go on that corner. I think the shopping center is looking a whole lot
1664 better. I'm just curious to see what you all want there if it is not another building.

1665

1666 Mr. Jones - Well, what we want is to have the knowledge in the beginning of what's
1667 going to be placed there because we were really in opposition to a storage because the eastern
1668 part of Henrico has become an area of storage houses and that's what we were in opposition to
1669 at the time but we went along with it after they told us that they would put the three additional
1670 buildings there and the one near Laburnum Avenue would be an office building. So, that
1671 would kind of shield the other buildings behind. But, there was no discussion of any two any
1672 additional buildings to the left near to Nine Mile Road.

1673

1674 Mr. Archer - So, that we don't have to discuss this all day, I think what I'm going to
1675 do with this.... Mr. Condlin, are you agreeing to meet with the civic association?

1676

1677 Mr. Condlin - Yes, sir.

1678

1679 Mrs. O'Bannon - Can I ask one question and for clarification?

1680

1681 Mr. Archer - Yes, go ahead.

1682

1683 Mrs. O'Bannon - It's showing, I think, on the plans that building to the left, it says Dollar
1684 Store. Is that the kind of thing when it says retail?

1685

1686 Mr. Condlin - No lease has been signed but that's one of the potential single user....

1687

1688 Mrs. O'Bannon - A single user for retail.

1689 Mr. Condlin - Right.

1690

1691 Mrs. O'Bannon - And what you are showing says Dollar Store. So, in other words, as a
1692 buffer, or something between this, the Nine Mile Road and the storage facility your intent is to
1693 put a retail business such as a Dollar Store between there. Isn't that what you are asking for,
1694 Mr. Jones? Is that the kind of thing you were looking for because it is allowed? They don't
1695 have to tell you exactly what type of retail business....

1696

1697 Mr. Jones - You are talking about the Nine Mile Road side, we were giving the
1698 Laburnum side. The discussion was Laburnum, not Nine Mile Road.

1699

1700 Mr. Archer - Let me do this. Mr. Jones, we don't want you to leave with the idea that
1701 we are trying to deceive you in any way. That's not what we want to do. We are somewhat
1702 constrained by the rules of the zoning case which means they do have the right to build what
1703 fits in there, but we want you to be apprised of what it might be. So, our next zoning meeting
1704 is on the 9th and we have held him up quite a bit now to try to get this into place and they have
1705 done a lot of work between the last POD meeting and now to get the things that we want. So
1706 what I will do, I will defer this until the zoning meeting on the 9th for decision only. And
1707 between now and then, Mr. Condlin, if you can meet with them.

1708

1709 Mr. Jones - I think our next meeting is on the 14th.

1710

1711 Mr. Archer - Well, can you call a meeting between now and then? Our next POD
1712 meeting is going to be on the 15th. It is a week early because of the Thanksgiving holiday.
1713 That's only another week. So, if you think you need that much time, but I'm not going to ask
1714 him to defer beyond that point.

1715

1716 Mr. Jones - Well, he can meet with us on the 14th and then your meeting here on the
1717 15h.

1718

1719 Mr. Archer - That will be a daytime meeting like this one. Mr. Condlin, are you
1720 agreeable to that?

1721

1722 Mr. Jernigan - Well the only thing... If you are meeting on the 14th and our meeting is
1723 on the 15th they are meeting on the evening of the 14th there is not much you can get....

1724

1725 Mr. Archer - I think all that we can do is offer them an explanation of what they
1726 propose might go there. That's up to Mr. Condlin and the owner, but, you know, it's more
1727 meaningful advice than anything else because we can't preclude them from building what fits
1728 within the zoning classification. I don't mind, Mr. Jones, that the community kind of have
1729 some input into what it is. That is not to say that you can dictate to them what to build there
1730 but at least you can have some input as to what it is, if they are agreeable to doing that. As it
1731 stands, they have done everything we have asked them to do, to be honest with you.

1732 Mr. Jones - I understand that, but what we were given and what we went along with,
1733 with the organization, is not what is being presented here today. And if it went before the
1734 Planning Commission in a different form then we were deceived.

1735

1736 Mr. Archer - Then I'll give them an opportunity to clear up the deception, I shouldn't
1737 say deception, the apparent deception. Mr. Condlin, do you agree with that, I'll do the
1738 deferral?

1739

1740 Mr. Gray - May I speak?

1741

1742 Mr. Archer - Yes, sir.

1743

1744 Mr. Gray - Mr. Archer, my name is Steve Gray and I'm with Lampe Management.
1745 What you can't see on this plan is the date, in the lower right-hand corner, and it's October 2,
1746 2004, which is a small copy of the large copy that we took to the community meeting. We
1747 have never had three buildings in front of the Sears building. There was never room for three
1748 buildings. The building closest to the Sears is an additional storage building and the one
1749 facing Nine Mile Road is an office/retail building with multiple tenants. We are the company
1750 who placed the property under contract as you know, Mr. Jernigan, was vacant as you stated
1751 many, many, many, years and we worked for two years to even get a contract to purchase it.
1752 So, we finally pursued that and we did in fact purchase it. We purchased it under Ample
1753 Storage Laburnum Avenue, LLC. Nobody backed out. There were no changes. We in fact
1754 executed what we did. The only change that Mr. Jones maybe speaking to is River City
1755 Granite had a contract to purchase the old auto store. In the rezoning we proffered out outside
1756 storage. They wanted outside storage so they backed out of their contract. That's the only
1757 change that has taken place.

1758

1759 And, as you know, Mr. Archer, we did discuss the outparcels, the uses we proffered out, the
1760 service station/gas station, video arcades, adult type material. There were several proffers so
1761 that was proffered out of those uses and we knew in fact that those would become outparcels.
1762 With all due respect, I would ask you to, and we have worked hard with staff in meetings and
1763 we deferred last month and we have got contracts let out for construction, with all due respect I
1764 would ask you to consider approving the POD as we have met every condition that we have
1765 been asked to. We will still be more than happy to meet with the community association but
1766 what we are doing is in rights of our zoning. I mean, I understand their concern and I don't
1767 want anybody to feel left out and that is the other reason why all of the development is away
1768 from the residential section of the property. I mean, quite frankly, I guess if we meet with
1769 them and they don't like it, do we have to, as an entity go and try to satisfy that organization
1770 before we can proceed?

1771

1772 Mr. Archer - Well, to be honest with you... Let me ask you this. As it stands right
1773 now, you don't have any knowledge of what absolutely will go in that spot?

1774

1775 Mr. Gray - In which spot in particular?

1776

1777 Mr. Archer - In the area that he is talking about.
1778

1779 Mr. Gray - On the corner parcel?
1780

1781 Mr. Archer - Yes.
1782

1783 Mr. Gray - I do not. That is listed "for sale."
1784

1785 Mr. Archer - Mr. Jones, in all fairness, let me rethink what I just said. I still think you
1786 should meet with Mr. Jones and his group to discuss this. But, they are within the constraints
1787 of the zoning case, which is really what governs what we do here. I don't have any grounds at
1788 all to defer this except to ask him if they are willing to do it, and they are not willing to. We
1789 don't really have any legal means to say we can't pass this POD case but I do want you all to
1790 have that discussion so that you can decide, if not decide, at least have some major input into
1791 what you would like to see in your community. So, with that, I think what I'm going to do,
1792 will you all set the meeting, so that you all can do this before Mr. Jones leaves here today?
1793

1794 Mr. Condlin - Yes, sir. I've got all of Mr. Jones' information and we will meet at their
1795 scheduled November meeting that they regularly schedule. If they want to hold an earlier
1796 meeting, we will be happy to meet with them at that time.
1797

1798 Mr. Archer - And I say that because even after the meeting, we really wouldn't have
1799 any grounds for denying the POD so I don't see anything much that can be gained by delaying
1800 it. So, I think what I will do is, today I'm going to move for approval of the POD, which we
1801 ultimately have to do anyway, but I do want them to meet with you and your neighborhood
1802 group before any building is, discussion or building is done so that you can have some input
1803 into what they do. Is that satisfactory to you? Well, I guess it's not satisfactory but my hands
1804 are tied as to what I can do here.
1805

1806 Mr. Jones - Well, it's satisfactory, I'm sure if we can have some input in what goes
1807 in there but the idea is we were deceived. And the Planning Commissioner approved what was
1808 done but not what we had agreed to along with them. And what was proposed to the Planning
1809 Commission is not the same plan.
1810

1811 Mr. Archer - Well, they will have the opportunity to do that. Maybe we can dispense
1812 with the alleged deception anyway. But, at this point in time, I don't have any grounds at all to
1813 deny them this POD but I'm sure they will be agreeable to try to fill this corner with something
1814 you all would like to see there.
1815

1816 Mr. Jones - Yes, I'm agreeing with you, but what happened if they had brought it up
1817 on the 27th of September when I was here we then would have had an opportunity to go back.
1818

1819 Mr. Archer - We were not aware of it either and we simply had to vote based on the
1820 information that we had and the recommendations we had from staff. The reason it was
1821 continued because we requested the continuation because we weren't satisfied with all of the

1822 things that they were doing. We asked them for certain things and certain conditions and they
1823 satisfied everything that we asked for and we were not aware of the things the alleged
1824 deceptive items that they discussed with you. So, you all go ahead and set the meeting and in
1825 the meantime I'll go ahead and move for approval of POD-53-06, Ample Storage, subject to
1826 the annotations on the plans, the standard conditions for developments of this type, and
1827 additional conditions Nos. 24 through 40.

1828

1829 Mr. Branin - Second.

1830

1831 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Branin. All
1832 in favor say aye...all opposed say nay. The motion passes.

1833

1834 The Planning Commission approved POD-53-06, Ample Storage, subject to the annotations on
1835 the plans, the standard conditions attached to these minutes for developments of this type, and
1836 the following additional conditions:

1837

1838 24. The right-of-way for widening of Nine Mile Road and Laburnum Avenue as shown on
1839 approved plans shall be dedicated to the County prior to any occupancy permits being
1840 issued. The right-of-way dedication plat and any other required information shall be
1841 submitted to the County Real Property Agent at least sixty (60) days prior to requesting
1842 occupancy permits.

1843 25. The easements for drainage and utilities as shown on approved plans shall be granted to
1844 the County in a form acceptable to the County Attorney prior to any occupancy permits
1845 being issued. The easement plats and any other required information shall be submitted
1846 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
1847 permits.

1848 26. The entrances and drainage facilities on Nine Mile Road (State Route 33) shall be
1849 approved by the Virginia Department of Transportation and the County.

1850 27. The developer shall provide fire hydrants as required by the Department of Public
1851 Utilities and Division of Fire.

1852 28. A standard concrete sidewalk shall be provided along the east side of S. Laburnum
1853 Avenue and the south side on Nine Mile Road.

1854 29. Outside storage shall not be permitted.

1855 30. The proffers approved as a part of zoning case C-69C-04 shall be incorporated in this
1856 approval.

1857 31. The certification of building permits, occupancy permits and change of occupancy
1858 permits for individual units shall be based on the number of parking spaces required for
1859 the proposed uses and the amount of parking available according to approved plans.

1860 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
1861 form acceptable to the County Attorney prior to final approval of the construction plans.

1862 33. Deviations from County standards for pavement, curb or curb and gutter design shall be
1863 approved by the County Engineer prior to final approval of the construction plans by the
1864 Department of Public Works.

1865 34. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b) of
1866 the Henrico County Code.

- 1867 35. In the event of any traffic backup which blocks the public right-of-way as a result of
 1868 congestion caused by the drive-up facilities, the owner/occupant shall close the drive-up
 1869 facilities until a solution can be designed to prevent traffic backup.
- 1870 36. Insurance Services Office (ISO) calculations must be included with the plans and
 1871 contracts and must be approved by the Department of Public Utilities prior to the
 1872 issuance of a building permit.
- 1873 37. Approval of the construction plans by the Department of Public Works does not establish
 1874 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 1875 elevations will be set by Henrico County.
- 1876 38. Approval of the construction plans by the Department of Public Works does not establish
 1877 the curb and gutter elevations along the Virginia Department of Transportation
 1878 maintained right-of-way. The elevations will be set by the contractor and approved by
 1879 the Virginia Department of Transportation.
- 1880 39. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 1881 Department of Planning and approved prior to issuance of a certificate of occupancy for
 1882 this development.
- 1883 40. The location of all existing and proposed utility and mechanical equipment (including
 1884 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 1885 shall be identified on the landscape plans. All equipment shall be screened by such
 1886 measures as determined appropriate by the Director of Planning or the Planning
 1887 Commission at the time of plan approval.

1888 Mr. Silber - Now if I can direct your attention to another case that we skipped over
 1889 earlier this morning. This is on page 9 of your agenda. This is a landscape plan LP/POD-93-02,
 1890 The Villas @ Oakland Chase.

1891 **LANDSCAPE PLAN**

1892

<p>LP/POD-93-02 The Villas @ Oakland Chase Midview Road</p>	<p>Timmons Group for Oakland Chase, LLC: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 25.62-acre site is located on the west line of Midview Road, approximately 700 feet south of its intersection with Darbytown Road on parcel 807-705-5743. The zoning is R-5C, General Residence District (Conditional). (Varina)</p>
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1893

1894 Mr. Archer - Mr. Silber, is the person we were waiting on here?

1895

1896 Mr. Silber - Yes, I believe Mrs. Ross is here now.

1897

1898 Mr. Archer - All right. Is there anyone in the audience in opposition to LP/POD-93-02,
 1899 The Villas @ Oakland Chase? We have opposition. Mr. Kennedy.

1900

1901 Mr. Kennedy - This case has got significant history. Some of the Planning
 1902 Commissioners were not members at that time some have been members for the history of this,

1903 I'll just kind of brush up and refresh you. The property itself, The Villas at Oakland Chase, here
1904 (referring to the map on the screen), the original property was comprised of this parcel, as well
1905 as the adjoining R-5C parcel which is the Oakland Chase subdivision. It was zoned previously
1906 for multi-family use in the 60's and the County had some local concerns about the development
1907 of the apartments and tried to rezone the property without the consent of the property owner,
1908 there was a lawsuit that ensued and a settlement that resolved out of that where the developed
1909 part of the property with single-family homes and part of the property with these apartments.
1910 There is a slew of significant history involved in this site.

1911

1912 The developer had agreed to putting proffers on this development, significant proffers, to
1913 increase and enhance the development itself. Under original zoning, there would have been a
1914 10-foot transitional buffer around the perimeter of the apartments. The way that the proffers
1915 read: A 35-foot transitional buffer along the north required. On the southern and western
1916 property lines there is a 50-foot transitional buffer enhanced. These are luxury apartments with a
1917 pool a community center. The BMP is a pond with a fountain and walking trails. There are
1918 garages for the tenants, this is not a Section 8 or low-income apartment by any means. These are
1919 part of the details that have been worked out with the developer to resolve the lawsuit.

1920

1921 The landscape plan now comes back before you. Staff can recommend approval and we have
1922 worked hard with the developer to come up with an appropriate plan. There are some significant
1923 difficulties in this site along from approximately from this point on to the west, that part of the
1924 buffer was actually a field, so it is actually being replanted at this time. It had to be planted in a
1925 50-foot transitional buffer would actually exist as a field. There were no trees to began with. A
1926 majority of the rest of the buffer, those trees were existing and well maintained and actually the
1927 developer has filled in with because the trees are so high it actually filled the understory with
1928 wax myrtles on this plan.

1929

1930 This is the front of the road on Midview Road (referring to the map on the screen). There is a
1931 major buffer here that is existing and they filled in any place where there isn't any buffer along
1932 here. Here is the community center and the pool and behind the community center and pool they
1933 filled in that 35-foot buffer. On the next sheet, going farther back, the buffer exists primarily on
1934 this, the southern border, and exists on the northern border, significant buffer exist. As you
1935 proceed farther to the west, this is the area where the buffer actually had to be constructed
1936 (referring to map on screen). The person who is here, Mrs. Ross, lives right here, in this house
1937 here next to the emergency access. She kind of suffered through the development of this before
1938 the construction because she actually had to watch all of these buildings go up. The developer
1939 has agreed to with staff's input to build berms. So, the actually landscaping will actually be up
1940 higher. The three-story buildings are not going to hide it by no means. And there is a six-foot
1941 wood fence with brick piers on the southern border as well. Staff and the developer worked
1942 together to make do as best they can to provide as much buffering as they can. But, it's still not
1943 going to hide the three-story buildings.

1944

1945 Like I said, it was a field, there has been a significant amount of dust, one of the concerns the
1946 adjoining property owners have had. The dust has impacted their properties. It is my
1947 understanding that the developer has agreed to power wash those buildings. He has not done

1948 that yet, and he has not finished building the berms that is the last section. He built the parking
1949 lot. His resolution to building the berms was the last request of staff and to enhance the
1950 landscaping plan. He could have planted at grade but we wanted to do the best we could to
1951 enhance to have as much impact as quickly as possible. So, they came back last month with a
1952 plan for putting these berms and they are constructing them now. They haven't finished the dirt
1953 work yet.

1954

1955 Mrs. O'Bannon - Just remember that berms do cause drainage problems. Have you factored
1956 that into everything?

1957

1958 Mr. Kennedy - That's been designed in the swales. And actually, interestingly enough,
1959 the landscaping, even the perimeter landscaping, is actually irrigated. They have really gone the
1960 extra step to actually make this a jewel for an apartment in the east end. It something that you
1961 would normally find out in Short Pump. And one of the property owners to the north said that
1962 this is something that they have been waiting for in the east end, that type of quality. Staff can
1963 recommend approval of this plan.

1964

1965 Mr. Jernigan - Thank you, Mike. I don't have any questions, Mr. Chairman.

1966

1967 Mr. Archer - All right. Would you like to hear from the applicant first or the
1968 opposition?

1969

1970 Mr. Jernigan - From the opposition first.

1971

1972 Mr. Archer - Come up, ma'am, and state your name and address for the record, please.

1973

1974 Mrs. Ross - My name is Yolanda Ross and I'm at 1520 Oakland Chase Parkway.

1975

1976 Mr. Jernigan - Good morning.

1977

1978 Mrs. Ross - Good morning, to all. I have some pictures and I think they will help to
1979 really see what I am talking about. One of the reason I'm in opposition, first of all when this
1980 whole project started, before my husband and I even purchased our home, we were not in on the
1981 initial meeting that the Tetra Group had with the community because we didn't know about it.
1982 From my understanding from several homeowners, they informed them that it was only going to
1983 be two-story buildings and as you can see they are three stories, and I'm sure you know how
1984 many apartments there are going to be. It is very frustrating. And it's not just frustrating
1985 because it is apartments, it's frustrating because the amount we purchased our homes for, when
1986 we think about the future of our homes, I have been a resident, my husband and I of east end for
1987 over 13 years. We were in Almond Creek, I'm familiar with a lot of the surrounding apartments
1988 like Oakland, not Oakland, I think it is Oakland Village, and how they start out so nice and then
1989 soon they go down. So those are some of my concerns, and I say that also because although they
1990 want to be luxury apartments, if they become subsidize, and I have nothing against subsidizing
1991 because I was a child of a parent who was in Section 8 Housing, but we were taught not to tear
1992 down other property or property around you, whatever. My concern is that everybody doesn't

1993 have the same values and some people that rent apartments don't have the same values, not all.
1994 And my concern is that they will continue to, the Timmons Group, do what they said.

1995

1996 It was already a struggle to get them to replace boards in a fence that was warping. One of the
1997 pictures that I gave you will show the fence, not even two years, shows what the fence is doing.
1998 So, if we as homeowners put our houses on the market, who would want to buy a home with
1999 apartments in the rear.

2000

2001 Mr. Branin - Mrs. Ross, is this your house (referring to picture on the screen)?

2002

2003 Mrs. Ross - Yes. We have not enjoyed our deck due to dust, due to constant
2004 construction, and I know that it was already planned, I've heard the story, I probably know the
2005 story, I'm just here to really voice my concerns maybe it will help somebody in the future if
2006 there are projects that they would inform all those around. And, I know as a citizen I have a
2007 responsibility, well now I know, to see what's going to come about. But, my real concern is that
2008 if they are going to do what they said they that they are going to do. We asked them to power
2009 wash our homes. This has been two years and I have an email that stated that they were going to
2010 do it.... Well, I had an original letter, I don't know where that is, a year ago. Then they said
2011 May 15 and it is now October.

2012

2013 Mr. Vanarsdall - Is this something they promised you verbally?

2014

2015 Mrs. Ross - The initial one was verbal but then we did have a letter, but I have an
2016 email that says they will get around to the power washing once they start pavement. So, that's
2017 acknowledging whether it was verbal. I know it was verbal initially and I believe we got a letter
2018 as well, I just can't locate it, but the email justified that they did promise to do that. And in our
2019 last meeting we had at the school they really didn't acknowledge it. It was like, "who promised
2020 you that?" Like when I shared with the gentleman, that's the least they could do. Our homes
2021 look like a house that has been there for a couple of years. All the dirt that has come in. I have a
2022 child with a medical condition another one with bronchitis, and our unit outside is just dirty and
2023 dusty. My concern is really if those apartments are going to remain luxury apartments because a
2024 lot of things start out looking good. I don't want to insult the builder of the apartments but I'm
2025 not really impressed. If I were to just drive in that neighborhood, I have people to come visit and
2026 whatnot and they say "I can't believe they put these kind of apartments behind \$300,000.00
2027 homes." It's unbelievable. No trees, like he said, no tree is going to cover that. I have a
2028 Palladium Window in my family room and I feel like the person on the third floor of the
2029 apartment can look in when we walk across our hallway because it is open. I feel like we have
2030 to be covered. I think these apartments are very intrusive. Also the workers. We have seen the
2031 workers urinating back there and when I addressed that they were very concerned about that. I
2032 can say that in their defense. But, it has just left us open as homeowners and several homes are
2033 still on the market.

2034

2035 Mr. Branin - Mrs. Ross, when did you move into your house?

2036

2037 Mrs. Ross - It was April 2005.

2038
2039 Mr. Branin - April 2005. When was this originally approved?
2040
2041 Mr. Jernigan - I fought this one for a long time, probably right around 2001 and probably
2042 finished in 2002.
2043
2044 Mr. Silber - It was probably a couple years before she moved in.
2045
2046 Mr. Branin - Was it under construction when you moved in?
2047
2048 Mrs. Ross - No. It was a beautiful view. There were trees. I would sit in my office
2049 and look at the trees. I was like “wow I’m going to have this view” not thinking and surely
2050 when I did hear of it, I never thought it would be of that magnitude. When I finally heard about
2051 it, I thought there was enough room there and they would probably put the apartments up front
2052 and then I hear that they are planning to build more. We don’t need to look like we are living in
2053 the back of the projects.
2054
2055 Mr. Jernigan - Mrs. Ross, if you had seen what I had to work with when I took this case
2056 on, it was not pretty.
2057
2058 Mrs. Ross - I’m sure. I probably would rejoice now.
2059
2060 Mr. Jernigan - Because the people in Varina Station are happy.
2061
2062 Mrs. Ross - I heard about that.
2063
2064 Mr. Jernigan - That R-5 property that is now where the apartments are was right next to
2065 the single family. It was stuck way down there right next to, it was in the middle, and I
2066 negotiated with them to have single family all down there and put the apartments up on the road
2067 to get them away. So, it wasn’t pretty and we went around and around for a long time on this
2068 case. Are you a real estate agent?
2069
2070 Mrs. Ross - Yes, sir.
2071
2072 Mr. Jernigan - You should have checked.
2073
2074 Mrs. Ross - Right.
2075
2076 Mr. Jernigan - You know how the real estate business is, you do it for a living. When
2077 there’s clear ground somebody is going to put something there because that’s your business.
2078 You sell the product once it’s up. So, I’m going to tell you, I feel this case came out a whole lot
2079 better than what it could have been. It was ugly, but we got together, worked together and like I
2080 said we had that additional buffer, it only had to be 10 feet but it’s 50 feet.
2081
2082 Mrs. Ross - I’m not sure if it is 50.

2083
2084 Mr. Branin - She had made a complaint about the boards on the fence, was that fence
2085 originally proffered in?
2086
2087 Mr. Jernigan - Yes.
2088
2089 Mr. Branin - So, the maintenance of the fence is included.
2090
2091 Mr. Jernigan - I'm pretty sure....
2092
2093 Mrs. Ross - And they have taken care of that, I believe. And that looks better, but my
2094 point is, like I had to call constantly for them to correct it. But it does look much better. They
2095 have sodded the emergency access entrance. They put the back of the fence up, see how it was
2096 open, they have now finished that. But, I had to call you all, Mr. O'Kelly and I are good friends
2097 now, I mean I had to constantly call and get you all to motivate them to do that part. I just don't
2098 want them to be concerned about moving people in and forget about us. It seems like they want
2099 to get people moved in and I understand that because they want to make a profit, but they have to
2100 be concerned about us as well.
2101
2102 Mr. Silber - Mrs. Ross, maybe what we need to do is... I think you have explained
2103 your concerns about the past history of what took place and Mr. Jernigan has explained what
2104 basically occurred from the zoning perspective, I think what we might want to focus on are what
2105 specifically do you have concerns with for this landscape plan and then see if the applicant can
2106 come up and address those. Let's see if we can have you focus specifically what's before the
2107 Planning Commission which is the landscape plan.
2108
2109 Mrs. Ross - Okay.
2110
2111 Mr. Jernigan - What do you want to change?
2112
2113 Mrs. Ross - I mean, I want to make sure that there is not a drainage or future drainage
2114 issue and that they are going to do what they said that they are going to do as far as upkeep. And
2115 I understand what you are saying, it's easy for you to say not to focus on what happened, but I
2116 live there so I have to focus on it, bring it and say it in order to get to the now.
2117
2118 Mr. Silber - I understand. So, you have concern about drainage and....
2119
2120 Mrs. Ross - And that they are going to keep their word and power wash our homes.
2121
2122 Mr. Jernigan - But, they shouldn't do that until after the construction is finished.
2123
2124 Mrs. Ross - Well, they are putting down pavement now.
2125
2126 Mr. Jernigan - Okay. But, they still have to put the berm in.

2127 Mrs. Ross - But, I think what's happening, like it happened last year, winter is coming
2128 again, and that was the excuse last year, that it's going to be cold, which was true so why power
2129 wash your house. And my house steadily has dirt, a lot of dirt in the windows and everywhere.
2130 So, my concern is, even if they have to do it more than one time, that's reasonable for what we
2131 have had to endure.

2132

2133 Mr. Jernigan - I'll make sure myself that you get power washed. I'll check with them
2134 personally.

2135

2136 Mrs. Ross - Okay.

2137

2138 Mr. Silber - Is there anything else, Mrs. Ross?

2139

2140 Mrs. Ross - That's it.

2141

2142 Mr. Silber - Okay. We will have the applicant come forward.

2143

2144 Mr. Silber - Thank you.

2145

2146 Mr. Duran - I'm Dave Duran with the Tetra Company Oakland Chase, LLC. Good
2147 morning. First off, I think the power washing we definitely will take care of that. We have, in
2148 the process of construction unfortunately has been delayed somewhat with the weather and so
2149 contractor etc. We are committed to power washing people houses and we have never backed
2150 down from that and we will do that. Unfortunately, we work with contractors and we have
2151 recognized her complaints and have tried to take care of them as diligently as we possibly can
2152 but unfortunately sometime because of construction waiting on materials etc. it just hasn't
2153 happened as probably as quickly as she had anticipated but I think we have addressed
2154 everything. Actually, we have gone above and beyond some of the things. We graded her back
2155 yard which we said we would do. Helped her out on some of the drainage issues. We put some
2156 seeds down and aerated her backyard. We have done some thing outside and above that I think
2157 should be recognized as well that I don't think ever gets mentioned.

2158

2159 The fence, as far as taking care of that, I just want to address some of these issues, but as far as
2160 the fence goes, we were waiting because we knew there was going to be some warping it always
2161 happens with a wood fence so you have to give it some time to dry out, and then we were going
2162 to address it all at one time, which I think we have done at this point. And we will continue to
2163 monitor that because we want to take care of our properties. It is important to us and it is
2164 important to keep our neighbors as happy as possible. I know we can't make everybody happy
2165 but we will try the best we can because these are properties we plan on holding on to for quite
2166 some time, and the only way we are going to make money is if they look good and that's the way
2167 we intend to run our business.

2168

2169 As far as drainage goes, I know we have asked Timmons to make sure that it is taken into full
2170 consideration when we install these berms. They did design the plan and in response to that
2171 making sure that there was adequate drainage using swales and other means to take care of the

2172 drainage. So, I think that has been addressed within these plans.

2173

2174 The homebuilder next door has had some issues with some drainage that we have addressed and
2175 we put them on notice to take care, however if they don't do it we will take care of it as well.
2176 So, that above and beyond this, but I just want to make sure that that is on record as well. Other
2177 there any other issues you want to address or questions.

2178

2179 Mr. Silber - What is the status with the emergency access she indicated? It looks
2180 different from this. How does it look at this point?

2181

2182 Mr. Duran - Oh, it looks great. It has been sodded, irrigated, it's pretty well finished.
2183 We've got to add some of the trees that are on the landscape plan. We haven't done that until we
2184 receive approval on it. But, it should be done within the next two to three weeks hopefully.

2185

2186 Mr. Silber- When do you intend to do the planting?

2187

2188 Mr. Duran - As soon as we get our approvals. We have actually started some of it. We
2189 are working from the front back. We are in the process of putting the asphalt down in the rear of
2190 the property and also we do not want to have trucks and bobcats and etc. running through the
2191 freshly paved asphalt. We want to give that some time to cure which will probably be about the
2192 first of next week. We have already planted some of the stuff in the back around some of the
2193 apartments but as far as putting... as soon as the berms go in which they are supposed to start on
2194 those this week, we will begin the planting of that transitional buffer.

2195

2196 Mr. Silber - Are you aware that the staff is recommending a condition that stipulates
2197 that you must have all your plantings in on the southern and western property lines and the
2198 emergency access by December 15. And if you don't have it done by that time, we will stop
2199 issuing certificates of occupancy?

2200

2201 Mr. Duran - Yes, we are aware of that. We are doing HUD financing and HUD
2202 mandates the completion date which is the end of November, and that corresponds to
2203 landscaping as well so we plan on finishing this project by the end of November, everything,
2204 complete.

2205

2206 Mr. Silber - So, the asphalt on the parking lot and all of that is down at this time?

2207

2208 Mr. Duran - It's in the process. They should finish it today, yes.

2209

2210 Mr. Silber - Then would it not be appropriate to go ahead and do the power washing as
2211 soon as the pavement is down?

2212

2213 Mr. Duran - If I could ask to wait until the berms are installed just because that just
2214 may pick up some additional dust. But, I would say within the next two weeks that should
2215 happen. We have instructed the contractor KBS to do that as soon as that is done. It is their
2216 responsibility to do that and they will do it. We will make sure of it.

2217 Mr. Silber - I would like to have a drop-dead date for power washing.
2218

2219 Mr. Duran - I would say, let's say by November 15.
2220

2221 Mr. Silber - Just as long in fact that happens.
2222

2223 Mr. Duran - It's going to happen. We have never, like I said, backed down from doing
2224 that. I don't know what letter Mrs. Ross is referring to. I know we sent some emails saying that
2225 we would do it as soon as the grading and asphalt was down, and we agreed to that and still
2226 agree to that.
2227

2228 Mr. Jernigan - If you want to put a November 15 date on that I'm all right, but if we were
2229 to have a lot of rain between now and then. I don't want to have them out there power washing
2230 the same day they are putting the berm down.
2231

2232 Mr. Silber - I don't either. I want to have a date that we all can live by but I want a
2233 realistic date and I want one that we can really commit to. We are going to have bad weather,
2234 there are going to be some delays....
2235

2236 Mr. Duran - I would say December 1 because we have got to be finished by November
2237 23, so we will say December 1.
2238

2239 Mr. Silber - Okay.
2240

2241 Mr. Jernigan - Is that okay with you, Mrs. Ross, December 1?
2242

2243 Mrs. Ross - (Unintelligible, speaking from her seat in the audience).
2244

2245 Mr. Duran - I never insinuated that she was lying. I knew we sent her emails but I do
2246 not know of any letters is what I said.
2247

2248 Mrs. Ross - (Unintelligible)
2249

2250 Mr. Jernigan - He said a letter. He said he did send you an email, but he said he didn't
2251 recall a letter.
2252

2253 Mrs. Ross - (Unintelligible).
2254

2255 Mr. Silber - Mrs. Ross, because we are recording this, I'm getting indication from the
2256 back that they can't hear you. So, any statements you make have to be made on the microphone.
2257

2258 Mr. Duran - I mean, we said that we would power wash. I think what she is referring
2259 to is that there was a committed date to the power washing. We have never committed to an
2260 actual date, that I know of, and if we did maybe it was a date around that we might have done it
2261 but there was some constraints to it as far as paving and grading and so forth.

2262 Mrs. Jones - May I make a suggestion at this point. Drop-dead dates are difficult at
2263 best because there are any number of things that could influence that. How about suggesting
2264 within, let's say, a week of the completion of the construction of the berm or something along
2265 those lines that doesn't end of being a "got you game" as we go down the line here.

2266

2267 Mrs. Ross - That's not my intention. I don't think that I am asking for something
2268 unreasonable. And also I don't know if I included pictures of our front entrance to our
2269 community. It is my understanding that they are suppose to take care of that too because we still
2270 have pipes... did I give you those pictures, we still have pipes sticking up at the front entrance of
2271 our community and that's been there for a good little while now, as well.

2272 But, back to the email, this is dated April 13. It came from Ryman Jones and it was cc to Mr.
2273 O'Kelly, D. Durant and various other persons and it was dealing with some of the complaints
2274 that I had. One of them was using the emergency fire lane entrance. People were riding through
2275 there, but that's over. But, let me go down to "when will the adjoining properties be power
2276 washed as promised." Paving should be started by May 1 and he anticipates scheduling the
2277 power washing around May 15." It was previously earlier and I will work diligently to find that
2278 letter. But this is the email, so nobody denied that it was previously promised because that's
2279 what this says, right here.

2280

2281 Mr. Jernigan - I don't think anybody denied that. They are going to power wash it.

2282

2283 Mrs. Ross - But he said he didn't know or remember a date ever being said. I'm not
2284 going to be made out like I don't know what I'm talking about. It's written here and this was
2285 previously discussed, whether he discussed it or Mr. Jones, it was stated. It was supposed to be
2286 over a year ago.

2287

2288 Mr. Branin - Mrs. Ross, can I see that, please.

2289

2290 Mrs. Ross - Sure.

2291

2292 Mr. Branin - Thank you.

2293

2294 Mr. Jernigan - Well, I'm in agreement that once the berm is up within a week,
2295 considering the weather, that the power wash be done. Is that fine, Steve?

2296

2297 Mr. Gray or Duran - I have no problem with that.

2298

2299 Mr. Jernigan - Mrs. Ross, I want to let you know too, on the garages on this, that they
2300 have, when this case originally came through, they didn't have garages. They came back to me
2301 about a year later and decided that they wanted to upgrade the apartments and asked me if they
2302 could put those garages on and the Commission approved it. That wasn't even in the original
2303 case, just trying to make it look better. They brought back the garages. They actually wanted to
2304 put more in than what's there, but I thought it was too jumbled up so that's the reason for the
2305 amount that's there now.

2306

2307 Mrs. Ross - I'm not sure, I mean, the garages really don't make a difference to me. I
2308 mean, I would rather have trees. I would rather not see the apartments. And that doesn't make it
2309 upscale if you don't take care of the property or if you don't have the right tenants in there.

2310

2311 Mr. Jernigan - But, I'm saying too, you don't have a lot of apartments around here that
2312 have garages.

2313

2314 Mrs. Ross - Okay. And, you don't have a lot of subdivisions that have apartments in
2315 the rear of them either. You may have townhomes. I'm not really, really impressed because
2316 they have garages. I'm more impressed that those apartments will stay, the upkeep will be great
2317 and that the landscaping will be one that would look like an upscale neighborhood. Like I said,
2318 I'm not really impressed because I've seen many apartments, and I know of many in the east end
2319 that have started out great and went down. So, I would like to see it in a year.

2320

2321 Mr. Jernigan - Well, these are the only apartments that we have approved in six years and
2322 that was because, other than it being a UMU, which Rocketts Landing and Wilton had some but
2323 from my recollection we haven't zoned for any apartments other than senior living.

2324

2325 Mrs. Ross - I'm talking about existing apartments that I know started off great.

2326

2327 Mr. Jernigan - Thank you.

2328

2329 Mrs. Ross - Okay.

2330

2331 Mr. Branin - Mrs. Ross, here is your email.

2332

2333 Mrs. Ross - Thank you.

2334

2335 Mr. Jernigan - I'm ready to make a motion.

2336

2337 Mr. Archer - All right, Mr. Jernigan.

2338

2339 Mr. Jernigan - Mr. Chairman, with that, I will move for approval of LP/POD-93-02, The
2340 Villas @ Oakland Chase, subject to the annotations on the plans the standard conditions for
2341 landscape plans and the following additional conditions Nos. 5, 6, and 7 and No. 8 added on the
2342 addendum.

2343

2344 Mr. Branin - Second.

2345

2346 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Branin. All
2347 in favor say aye...all opposed say nay. The motion passes.

2348

2349 Mrs. O'Bannon - Mrs. Ross, these minutes as you have learned are verbatim and if you wish
2350 you can get a copy.

2351

2352 Mrs. Ross - Okay.

2353

2354 The Planning Commission approved the landscape plan for LP/POD-93-02, The Villas @
2355 Oakland Chase, subject to the annotations on the plans, the standard conditions attached to these
2356 minutes for developments of this type, and the following additional conditions:

2357

2358 5. Additional landscape material as determined necessary by planning staff shall be
2359 provided to assure a dense perimeter buffer as proffered, prior to the issuance of a final
2360 Certificate of Occupancy for the last building in each section.

2361 6. Additional landscape material as determined necessary by planning staff shall be
2362 provided to assure adequate screening of meter boxes as proffered, prior to the issuance
2363 of a final Certificate of Occupancy for each building.

2364 7. A location plan and details of site amenities i.e.: benches, gazebos and shall be submitted
2365 for review and approval by planning staff, prior to the issuance of a final certificate of
2366 occupancy for the last building in each section.

2367 8. No additional Certificates of Occupancy will be approved after **December 15, 2006**
2368 unless required landscaping in the buffer along the southern and western property lines
2369 and the emergency access easement has been planted.

2370

2371 Mr. Archer - All right, Mr. Secretary, where are we now?

2372

2373 Mr. Silber - We have completed the agenda with the exception of your minutes which
2374 are at the end of the agenda, and these are the September 27, 2006 minutes, which have been
2375 previously sent to you.

2376

2377 **APPROVAL OF MINUTES: September 27, 2006 Minutes**

2378

2379 Mr. Archer - Do we have any corrections to the minutes?

2380

2381 Mrs. O'Bannon - I sent my corrections in earlier yesterday. The only comment that I want
2382 to say is that when I read what I say on paper I don't know how anybody understands what I'm
2383 saying.

2384

2385 Mr. Archer - I think we all have that problem, Mrs. O'Bannon.

2386

2387 Mrs. O'Bannon - When you comment, and someone makes a statement, and then you add a
2388 few words, it sometimes doesn't make sense.

2389

2390 Mr. Archer - And sometimes we stop midsentence and go to another thought.

2391

2392 Mr. Jernigan - Sometimes I read mine and wonder, where did I go to school. I do have a
2393 change. Line 1131, page 33. Where it says "we have an emergency cleared up" that had to be
2394 "an emergency **access** cleared up." I didn't clear an emergency but I did clear up an emergency
2395 access.

2396

2397 Mr. Archer - Well, it would have been commendable if you had. All right. Is there
2398 anything else? Is there a motion for approval of the minutes?

2399

2400 Mr. Branin - So moved.

2401

2402 Mr. Jernigan - Second.

2403

2404 Mr. Archer - The motion was made by Mr. Branin to approve the September 27, 2006
2405 minutes and seconded by Mr. Jernigan. All in favor say aye...all opposed say nay. The motion
2406 passes.

2407

2408 The Planning Commission approved the minutes, as corrected, for the September 27, 2006,
2409 Planning Commission meeting.

2410

2411 Mr. Archer - All right. Is there anything else?

2412

2413 Mrs. O'Bannon - I have one comment I want to make. As you know last night the Board of
2414 Supervisors had a large group there for discussion for the CDA, which is the Community
2415 Development Authority, for The Shops at White Oak Village. And a comment was made that I
2416 thought was very complimentary and I just wanted to let you know about it and it had to do with
2417 the fact that they were able to get investors in something such as the Shops at White Oak Village
2418 because what their investors are seeing in Henrico County is very high-quality construction in
2419 the Varina District and in the Fairfield District. And they were pleased with that - and as you
2420 know, the Catch 22 is you need more people with money who are willing to go to a shopping
2421 center to spend it. And I think what their investors saw, which I think was a positive reflection
2422 on both the Board of Supervisors and the Planning Commission, is that the type of construction
2423 that they are seeing in that part of the County is up to par with the western part of the County.
2424 And they implied that as to that fact, they could get good investors, and could have gotten such a
2425 nice shopping center from their standpoint as investors and developers. I think that gives you
2426 some good feedback on the quality of construction that you are seeing in eastern Henrico. And I
2427 know that the comments that we got on the apartment case that we just heard, just this one small
2428 comment, and about there being garages, it is just that sort of thing that investors are looking at
2429 when they go to put in a very high-quality shopping center in the eastern part of the County. So,
2430 all of the development we are having along the river and, these other developments too, where
2431 we are seeing the good quality construction. So, I just wanted to point that out.

2432

2433 Mr. Jernigan - Thank you for passing that along. I'm glad to hear that.

2434

2435 Mr. Archer - And I'm glad I didn't close the meeting before you got to that.

2436

2437 Mr. Jernigan - I'll tell you, I'm feeling a whole lot better because when I saw that
2438 Wingate Hotel come through on an acre and a half, I felt good because I've got two and a quarter
2439 acres, and I said I'm going to look at this pretty hard. A 105 room on an acre and a half, I'm....

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2441 Mrs. O'Bannon - This is why it pays to be tough. Thank you.

2442 Mr. Jernigan - Thank you so much, Mrs. O'Bannon.
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2444 Mr. Archer - All right. May I have a motion for adjournment?
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2446 Mrs. O'Bannon - So moved.
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2448 Mr. Jernigan - Second.
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2450 Mr. Archer - With that, this meeting adjourned at 11:08 a.m.
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2452 On a motion by Mrs. O'Bannon and seconded by Mr. Jernigan, The Planning Commission
2453 adjourned its October 25, 2006 meeting at 11:08 a.m.
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C. W. Archer, C.P.C., Chairman
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Randall R. Silber, Secretary
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