

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County,
2 held in the Board Room of the County Administration Building in the Government Center
3 at Parham and Hungary Spring Roads, beginning at 9:00 a.m. Wednesday, October 22,
4 2008.

5

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

Members Absent: Mr. R. Joseph Emerson, Jr., Director of Planning

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

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

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10

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

12

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

14

15 Mr. Jernigan - On behalf of the Planning Commission, and the Planning
16 staff, we'd like to welcome you to our October 22, 2008, meeting for Subdivisions and
17 Plans of Development. I'd like to welcome Mr. Glover, our sitting member from the
18 Board of Supervisors.

19

20 Mr. Glover - Thank you, sir. Good morning.

21
22 Mr. Jernigan - Mr. O’Kelly will be sitting in for Mr. Emerson today. Mr.
23 O’Kelly.

24
25 Mr. O’Kelly - Thank you, Mr. Chairman. Before we get started on the
26 regular agenda, I do have one announcement to make. This room, the Board Room,
27 will be going under some technology renovations during the months of November and
28 December. So, Board meetings, Planning Commission meetings, and Board of Zoning
29 Appeals meetings will be relocated to the Glen Echo Office Building, which is located
30 next to the Eastern Government Center at 3810 Nine Mile Road. The next Planning
31 Commission meeting on November 19, 2008, will be held at Glen Echo at 9 a.m.

32
33 With that, Mr. Chairman, the first item on the agenda is the request for deferrals and
34 withdrawals. Leslie News will lead us through those.

35
36 Ms. News - Yes, sir. Good morning, Mr. Chairman, members of the
37 Commission. We have four items on the list for deferrals and withdrawals this morning,
38 and an additional item that we received this morning that we will be adding at the end of
39 this list. The first item is on page 7 of your agenda, and is located in the Brookland
40 District. This is a landscape and lighting plan, LP/POD-03-07 for Country Inn & Suites.
41 The applicant has requested a deferral to the November 19, 2008 meeting.

42
43 **LANDSCAPE & LIGHTING PLAN**

44
LP/POD-03-07 **Dean E. Hawkins, ASLA for Monument Hospitality,**
Country Inn & Suites – **LLC:** Request for approval of a landscape and lighting
8010 W. Broad St. plan, as required by Chapter 24, Sections 24-106 and 24-
(Revised POD-110-83) 106.2 of the Henrico County Code. The 1.344-acre site is
located at 8010 W. Broad St. (US Route 250) adjacent to
Shrader Rd., approximately 900 feet northwest of the
intersection of Shrader and Hungary Spring Roads on
parcel 764-752-5989. The zoning is B-3C Business District
(Conditional). **(Brookland)**

45
46 Mr. Jernigan - Is there any opposition to deferral of LP/POD-03-07, Country
47 Inn & Suites (Revised POD-110-83)? There is no opposition.

48
49 Mr. Vanarsdall - Mr. Chairman, I move LP/POD-03-07, Country Inn & Suites
50 (Revised POD-110-83), be deferred to November 19, 2008, at the applicant’s request.

51
52 Mr. Archer - Second.

53
54 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
55 favor say aye. All opposed say no. The ayes have it; the motion passes.

56

57 At the request of the applicant, the Planning Commission deferred LP/POD-03-07,
58 Country Inn & Suites (Revised POD-110-83) to its November 19, 2008 meeting.

59
60 Ms. News - The next item is on page 10 of your agenda and is located in
61 the Brookland District. This is POD-60-08, Dickens Place Storage Lot. The applicant
62 has requested a deferral to the November 19, 2008 meeting.

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64 **PLAN OF DEVELOPMENT**

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POD-60-08 Dickens Place Storage Lot 6504 Dickens Place	William J. Schmidt and Fred Dailey for RLN Company, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a rental parking lot for permitted B-3 uses including the storage of RV's, boats, cars, trucks, licensed trailers, etc. The 1.31-acre site is located on the east line of Dickens Place, approximately 375 feet south of the intersection with Dickens Rd., on parcel 769-743-6236. The zoning is B-3, Business District. County water and sewer. (Brookland)
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66
67 Mr. Jernigan - Is there any opposition to the deferral of POD-60-08,
68 Dickens Place Storage Lot? There is no opposition.

69
70 Mr. Vanarsdall - I move POD-60-08, Dickens Place Storage Lot, be deferred
71 to November 19, 2008, at the applicant's request.

72
73 Mr. Archer - Second.

74
75 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
76 favor say aye. All opposed say no. The ayes have it; the motion passes.

77
78 At the request of the applicant, the Planning Commission deferred POD-60-08, Dickens
79 Place Storage Lot, to its November 19, 2008 meeting.

80
81 Ms. News - Next on page 15 of your agenda, and located in the
82 Brookland District, is POD-68-08, Shrader Road Medical Center. The applicant has
83 requested a deferral to the November 19, 2008 meeting.

85 **PLAN OF DEVELOPMENT**

86
POD-68-08
Shrader Road Medical
Center – 7900 Shrader
Rd.

Hulcher & Associates, Inc. for CAE Real Estate, LLC and NNN Advanced Orthopedic, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story 27,600 square foot medical office building. The 2.0-acre site is located on the north line of Shrader Rd., approximately 1,250 feet west of its intersection with Hungary Spring Rd., on parcel 764-753-6035. The zoning is O2-C, Office District (Conditional). County water and sewer. **(Brookland)**

87
88 Mr. Jernigan - Is there any opposition to the deferral of POD-68-08,
89 Shrader Road Medical Center? There is no opposition.

90
91 Mr. Vanarsdall - I move POD-68-08, Shrader Road Medical Center, be
92 deferred to November 19, 2008, at the applicant’s request.

93
94 Mr. Archer - Second.

95
96 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
97 favor say aye. All opposed say no. The ayes have it; the motion passes.

98
99 At the request of the applicant, the Planning Commission deferred POD-68-08, Shrader
100 Road Medical Center, to its November 19, 2008 meeting.

101
102 Ms. News - The next item is on page 21 of your agenda and is located in
103 the Three Chopt District. This is POD-64-08 and Special Exception for Cambria Suites
104 at Short Pump Town Center. The applicant is requesting a deferral to the November 19,
105 2008 meeting.

106
107 **PLAN OF DEVELOPMENT AND SPECIAL EXCEPTION**

108
POD-64-08
Cambria Suites at Short
Pump Town Center – W.
Broad St.

Timmons Group for Short Pump Town Center, LLC and Nick Patel: Request for approval of a plan of development and a special exception for buildings exceeding 45 feet in height, as required by Chapter 24, Sections 24-106 and 24-94(b) of the Henrico County Code, to construct a six-story, 100-room hotel, with a proposed height of 74.5 feet. The 1.72-acre site is located approximately 650 feet north of W. Broad St. (US Route 250) and approximately 1,500 feet west of Lauderdale Dr., on parcel 736-764-3817. The zoning is B-3C, Business District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

109
110 Mr. Jernigan - Is there any opposition to the deferral of POD-64-08 and the
111 Special Exception, Cambria Suites at Short Pump Town Center? There is no opposition,
112 Mr. Branin.

113
114 Mr. Branin - Mr. Chairman, I'd like to move that POD-64-08 and the
115 Special Exception, be deferred to the November 19, 2008 meeting, per the applicant's
116 request.

117
118 Mr. Vanarsdall - Second.

119
120 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
121 favor say aye. All opposed say no. The ayes have it; the motion passes.

122
123 At the request of the applicant, the Planning Commission deferred POD-64-08 and the
124 Special Exception, to its November 19, 2008 meeting.

125
126 Ms. News - There has been an item added. This is on page 14 of your
127 agenda, and it is located in the Tuckahoe District. This is POD-61-08, Bishop's Chapel
128 at the Virginia Diocesan Center at Roslyn on River Road. The applicant is requesting a
129 deferral to the November 19, 2008 meeting.

130
131 **PLAN OF DEVELOPMENT**

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134 **POD-61-08** **Draper Aden Associates for Memorial Trustees of the**
135 **Bishop's Chapel at the Virginia Diocesan Center:** Request for approval of a plan
136 **at Roslyn - River Rd.** of development, as required by Chapter 24, Section 24-
137 **(POD 164-86 and 57-01** 106 of the Henrico County Code, to construct a two-story,
138 **Rev.)** 2,797 square foot chapel building and for a revised master
139 plan for future development in an existing church
140 education and conference center. The 111.92-acre site is
141 located along the south line of River Rd., approximately
142 1,300 feet east of Parham Rd., on parcel 752-731-0629.
143 The zoning is R-1, One Family Residence District. County
water and sewer. **(Tuckahoe)**

133
134 Mr. Jernigan - Is there any opposition to the deferral of POD-61-08,
135 Bishop's Chapel at the Virginia Diocesan Center at Roslyn (POD-164-86 and 57-01
136 Rev.)? No opposition.

137
138 Mrs. Jones - I move for deferral of POD-61-08, Bishop's Chapel at the
139 Virginia Diocesan Center at Roslyn (POD-164-86 and 57-01 Rev.), to the November 19,
140 2008 meeting, per the applicant's request.

141
142 Mr. Vanarsdall - Second.

143

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

146
147 At the request of the applicant, the Planning Commission deferred POD-61-08, Bishop's
148 Chapel at the Virginia Diocesan Center at Roslyn (POD-164-86 and 57-01 Rev.), to its
149 November 19, 2008 meeting.

150
151 Ms. News - It's my understanding that the Commission may have an
152 additional deferral.

153
154 Mr. Jernigan - All right. Are there any more deferrals from the Commission?

155
156 Mr. Vanarsdall - I have one, Mr. Chairman.

157
158 Mr. Jernigan - Okay.

159

160

161 **TRANSFER OF APPROVAL** (Deferred from the September 24, 2008 Meeting)

162

POD-124-87 **Tom Greene for Aaron Rents, Inc.:** Request for transfer
Aaron Rents of approval as required by Chapter 24, Section 24-106 of
(Formerly La-Z-Boy the Henrico County Code from Eugene R. Slayden, Jr.,
Furniture) Jack D. Downing, and LZB Furniture Galleries to Aaron
W. Broad St Rents, Inc. The 0.89-acre site is located on the east line of
W. Broad St. (U.S. Route 250), approximately 600 feet
north of Bethlehem Road on parcel 766-749-4004. The
zoning is B-3, Business District. County water and sewer.
(Brookland)

163

164 Mr. Vanarsdall - Before I do that, I want to know if there is anyone here
165 representing Aaron Rents? There's no one here? I move that POD-124-87, Aaron
166 Rents (Formerly La-Z-Boy Furniture), be deferred to November 19, 2008, at the
167 Commission's request.

168

169 Ms. News - It's on page 5 of your agenda.

170

171 Mr. Vanarsdall - Page 5 on the agenda.

172

173 Mr. Archer - Second.

174

175 Mr. Jernigan - Apparently there's nobody here, but I'm going to still ask. Is
176 there any opposition to the deferral of transfer of approval POD-124-87, Aaron Rents
177 (Formerly La-Z-Boy Furniture)? Okay, there is no opposition.

178

179 We have a motion by Mr. Vanarsdall, and a second by Mr. Archer. All in favor say aye.
180 All opposed say no. The ayes have it; the motion passes.

181
182 At the request of the Commission, the Planning Commission deferred transfer of
183 approval POD-124-87, Aaron Rents (Formerly La-Z-Boy Furniture), to its November 19,
184 2008 meeting.

185
186 Ms. News - Those are all the requests that we are aware of.

187
188 Mr. Jernigan - Thank you, Ms. News.

189
190 Mr. O'Kelly - That brings us to the expedited agenda. Mr. Chairman, in
191 order for items to be considered on the expedited agenda, staff must be recommending
192 approval, and the applicant must be in agreement with staff's recommendations and the
193 proposed conditions. The applicant is also requesting in writing to be included on the
194 expedited agenda. There is also an understanding that there is no known opposition. If
195 there is opposition at the meeting, the case will be removed from the expedited agenda,
196 and heard as it appears on the regular agenda. Again, Leslie News will lead us through
197 the expedited agenda, Mr. Chairman.

198
199 Mr. Jernigan - Okay.

200
201 Ms. News - Yes, sir. There are five cases on our expedited agenda. The
202 first case is on page 3 of your agenda, and is located in the Three Chopt District. This
203 is a transfer of approval for POD-36-72, Parham Park, Phase 1. Staff recommends
204 approval.

205
206 **TRANSFER OF APPROVAL**

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208
209 **POD-36-72** **Jeff Paris for Parham Park Properties, LLC:** Request for
210 Parham Park, Phase I transfer of approval as required by Chapter 24, Section 24-
(Formerly Executive Office 106 of the Henrico County Code from Land First, Inc. and
Complex I) Belvedere RV Associates to Parham Park Properties, LLC.
8639 Mayland Dr. The 4.532-acre site is located on the northwest corner of
the intersection of Mayland Dr. and Quarter Mill Rd. on
parcel 757-753-3615. The zoning is O-2, Office District.
County water and sewer. **(Three Chopt)**

211
212 Mr. Jernigan - Is there any opposition to transfer of approval POD-36-72,
213 Parham Park, Phase I (Formerly Executive Office Complex 1)? There is no opposition.

214
215 Mr. Branin - Mr. Chairman, I'd like to move for approval of POD-36-72,
216 Parham Park, Phase I (Formerly Executive Office Complex 1) on the expedited agenda.

217
218 Mrs. Jones - Second.

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

219
220 The Planning Commission approved the transfer of approval request for POD-36-72,
221 Parham Park, Phase I (Formerly Executive Office Complex 1), subject to the standard
222 and added conditions previously approved and the following additional condition:

223
224 1. The site deficiencies, as identified in the inspection report, dated April 1, 2008
225 shall be corrected by October 31, 2008.

226
227 Ms. News - The next item is on page 4 of your agenda, and is located in
228 the Fairfield District. This is a transfer of approval for POD-32-94, Applebee's at Virginia
229 Center Commons Shopping Center. Staff recommends approval.

230
231 **TRANSFER OF APPROVAL**

232
233 **POD-32-94** **Scott Wilson for 10151 Brook Glen Allen, LLC:** Request
234 Applebee's at Virginia for transfer of approval as required by Chapter 24, Section
235 Center Commons 24-106 of the Henrico County Code from DBAPPLEF,
236 Shopping Center LLC, North Park Peripheral Associates, LP, and Apple
237 10151 Brook Road South, Inc. to 10151 Brook Glen Allen, LLC. The 1.177-
238 acre site is located in an existing shopping center
239 approximately 1,100 feet north of J.E.B. Stuart Pkwy. on
240 the east side of Brook Rd. (US Route 1), on parcel 783-
241 770-8483. The zoning is B-3C, Business District
242 (Conditional). County water and sewer. **(Fairfield)**

243
244 Mr. Jernigan - Is there any opposition to transfer of approval POD-32-94,
245 Applebee's at Virginia Center Commons Shopping Center? There is no opposition.

246
247 Mr. Archer - Mr. Chairman, I move for approval of this transfer of
248 approval POD-32-94, Applebee's at Virginia Center Commons Shopping Center, subject
249 to the staff's recommendation, and Condition #1.

250
251 Mr. Vanarsdall - Second.

252
253 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
254 favor say aye. All opposed say no. The ayes have it; the motion passes.

255
256 The Planning Commission approved the transfer of approval request for POD-32-94,
257 Applebee's at Virginia Center Commons Shopping Center, subject to the standard and
258 added conditions previously approved and the following additional condition:

259
260 1. The site deficiencies, as identified in the inspection report, dated July 24, 2008
261 shall be corrected by November 30, 2008.

262

253 Ms. News - The next item is on page 6 of your agenda, and is located in
254 the Fairfield District. This is a transfer of approval for POD-67-80, Aspen Station
255 Apartments (Formerly Forest Run Apartments). Staff recommends approval.
256

257 **TRANSFER OF APPROVAL**
258

POD-67-80 **Edward M. Harrington for Aspen Station Apartments, LLC and Steven D. Bell & Co.:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Oxford Development Corporation, The Yeonas Company, and Parham-Oxford Associates to Aspen Station Apartments, LLC. The 17.13-acre site is located on the east line of Sanctuary Dr., approximately 400 feet south of the intersection with East Parham Rd., on parcel 781-757-3622. The zoning is R-5 General Residence District. County water and sewer. **(Fairfield)**

259
260 Mr. Jernigan - Is there any opposition to transfer of approval for POD-67-
261 80, Aspen Station Apartments (Formerly Forest Run Apartments)? There is no
262 opposition, Mr. Archer.
263

264 Mr. Archer - Mr. Chairman, I move for approval of transfer of approval
265 POD-67-80, Aspen Station Apartments (Formerly Forest Run Apartments), subject to
266 staff's recommendation, and Condition #1.
267

268 Mr. Vanarsdall - Second.
269

270 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
271 favor say aye. All opposed say no. The ayes have it; the motion passes.
272

273 The Planning Commission approved the transfer of approval request for POD-67-80,
274 Aspen Station Apartments (Formerly Forest Run Apartments), subject to the standard
275 and added conditions previously approved and the following additional condition:
276

- 277 1. The site deficiencies, as identified in the inspection report, dated October 7, 2008
278 shall be corrected by November 30, 2008.
279

280 Ms. News - The next item is on page 16 of your agenda, and is located
281 in the Fairfield District. This is SUB-25-08, Woodman Terrace (October 2008 Plan) for 8
282 lots. Staff recommends approval.
283

284 **SUBDIVISION**

285
SUB-25-08
Woodman Terrace
(Oct. 2008 Plan)
Luscombe Lane

Hulcher & Associates for Richard Attack Construction II, LLC: The 3.22-acre site proposed for a subdivision of 8 single-family homes is located at the eastern terminus of Luscombe Ln. on parcels 774-760-4716, 5039, 3824, 3335, 4958, 3547 and 4140. The zoning is R-3, One-Family Residence District. County water and sewer. **(Fairfield) 8 Lots**

286
287 Mr. Jernigan - Is there any opposition to SUB-25-08, Woodman Terrace
288 (October 2008 Plan)? There is no opposition.

289
290 Mr. Archer - Okay. Then I move for approval of SUB-25-08, Woodman
291 Terrace (October 2008 Plan), subject to the staff's recommendation, and additional
292 conditions 13, 14, and 15.

293
294 Mrs. Jones - Second.

295
296 Mr. Jernigan - Motion by Mr. Archer, seconded by Mrs. Jones. All in favor
297 say aye. All opposed say no. The ayes have it; the motion passes.

298
299 The Planning Commission granted conditional approval to SUB-25-08, Woodman
300 Terrace (October 2008 Plan), subject to the standard conditions attached to these
301 minutes for subdivisions served by public utilities, the annotations on the plans, and the
302 following additional conditions:

- 303
304 13. Any necessary offsite drainage easements must be obtained prior to final
305 approval of the construction plan by the Department of Public Works.
306 14. The final plat for recordation shall contain information showing The Chesapeake
307 Bay Preservation areas, if any, in accordance with Chapter 19, Section 19-72
308 (18), of the Henrico County Code, as determined by the Director of Public Works.
309 15. Any future building lot containing a BMP, sediment basin or trap and located
310 within the buildable area for a principal structure or accessory structure, may be
311 developed with engineered fill. All material shall be deposited and compacted in
312 accordance with the Virginia Uniform Statewide Building Code and geotechnical
313 guidelines established by a professional engineer. A detailed engineering report
314 shall be submitted for the review and approval by the Building Official prior to the
315 issuance of a building permit on the affected lot. A copy of the report and
316 recommendations shall be furnished to the Directors of Planning and Public
317 Works.

318
319 Ms. News - The final item is on page 23 of your agenda, and is located
320 in the Brookland District. This is POD-67-08, Sam's Club Car Wash. Staff recommends
321 approval.

322

323 **PLAN OF DEVELOPMENT**

324

POD-67-08
Sam's Club Car Wash
9440 W. Broad St.

Core States Engineering for SAM's Real Estate Business Trust: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 2,000 square foot self-automated car wash in an existing shopping center. The 0.60-acre site is located approximately 850 feet north of W. Broad St. (US Route 250) and 775 feet east of Old Springfield Rd., on part of parcel 757-758-0701. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Brookland)**

325

326 Mr. Jernigan - Is there any opposition to POD-67-08, Sam's Club Car
327 Wash? There is no opposition.

328

329 Mr. Vanarsdall - I move POD-67-08, Sam's Club Car Wash, be approved on
330 the expedited agenda, subject to annotations on the plan, standard conditions for
331 developments of this type, and the following conditions 29, 30, and 31.

332

333 Mr. Archer - Second.

334

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

337

338 The Planning Commission approved POD-67-08, Sam's Club Car Wash, subject to the
339 annotations on the plans, the standard conditions attached to these minutes for
340 developments of this type, and the following additional conditions:

341

342 29. The proffers approved as a part of zoning case C-24C-08 shall be incorporated in
343 this approval.

344 30. A construction staging plan which includes details for traffic control, fire
345 protection, stockpile locations, construction fencing and hours of construction
346 shall be submitted for County review and prior to the approval of any final
347 construction plans.

348 31. The owner or manager on duty shall be responsible for temporarily closing the
349 car wash facility when the on-site stacking space is inadequate to serve
350 customer demand to prevent a backup of vehicles onto the public right-of-way.
351 The owner shall arrange with the Traffic Engineer to provide standard traffic
352 control signs to notify customers that stopping or standing on the public right-of-
353 way shall not be permitted near the entrances to the car wash facility.

354

355 Ms. News - That completes our expedited agenda.

356

357 Mr. Jernigan - Thank you, Ms. News.

358
 359 Mr. O'Kelly - Mr. Chairman, the next item on the agenda is Subdivision
 360 Extensions of Conditional Approval. These are for informational purposes only. Lee
 361 Pambid will be happy to answer any questions from the Planning Commission.

362 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 363
 364 **FOR INFORMATIONAL PURPOSES ONLY**
 365
 366

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
Crowder Farms (Oct. 2004 Plan)	43	43	3	Varina	10/28/2009
SUB-28-07 Parkwood Chase (April 2007 Plan)	38	38	0	Fairfield	10/28/2009
Pocahontas Estates (Oct. 2004 Plan)	16	16	3	Varina	10/28/2009
West Broad Village (July 2006 Plan)	545	369	1	Three Chopt	10/28/2009

367
 368 Mr. Jernigan - Good morning, Mr. Pambid.
 369
 370 Mr. Pambid - Good morning, ladies and gentlemen. Do you have any
 371 questions?
 372
 373 Mr. Jernigan - Are there any questions for Mr. Pambid from the
 374 Commission?
 375
 376 Mrs. Jones - No, sir.
 377
 378 Mr. Jernigan - Thank you, sir.
 379
 380 Mr. Pambid - Thank you.
 381
 382 Mr. O'Kelly - The first case to be heard, Mr. Chairman, is on page 8 of
 383 your agenda.
 384

385 **PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION**

386

POD-51-08
Adamson Office Building
10400 Patterson Ave.

William J. Schmidt for John Adamson and Wilton Properties, LLC: Request for approval of a plan of development and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code, to construct a two-story 8,460 square foot office building. The applicant requests a 10-foot transitional buffer deviation to eliminate the required 10-foot transitional buffer along the eastern property line. The 1.06-acre site is located on the north line of Patterson Ave. (State Route 6) approximately 700 feet west of Westhampton Glen Dr. on parcels 742-742-7724 and part of 742-742-6325. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Tuckahoe)**

387

388 Mr. Jernigan - Is there any opposition to Plan of Development and
389 Transitional Buffer Deviation on POD-51-08, Adamson Office Building? There is no
390 opposition. Good morning, Ms. Berndt.

391

392 Ms. Berndt - Good morning. The plan you have before you proposes a
393 two-story office building along the north line of Patterson Avenue. The proposed
394 building shows brick on all sides, as proffered. It is also residential in character and in
395 accordance with the proffers for this site.

396

397 The proposed plan requires a transitional buffer deviation for the 10-foot transitional
398 along the eastern property line. At present, this buffer is adjacent to a heavily-wooded
399 vacant parcel. The applicant has indicated that he is willing to provide the required
400 plantings for the ten-foot transitional buffer on site, just in another location. Staff has no
401 objections to this request and has not received any calls in opposition or inquiry.

402

403 Should the Commission approve the transitional buffer deviation, staff recommends
404 approval subject to the annotations on the plan, standard conditions for developments
405 of this type, conditions 9 and 11 amended, and additional conditions 29-39 in your
406 agenda. The applicant's engineer, William Schmidt, is here to answer any questions
407 you may of him, and I'm happy to answer any questions the Commission might have of
408 me.

409

410 Mr. Jernigan - Are there any questions for Ms. Berndt for the Commission?

411

412 Mrs. Jones - I wanted to just confirm with you, Aimee, that the agreement
413 to take the Transitional 10 plantings and locate them elsewhere on the plan, is that
414 noted as an annotation, or do we have that in writing?

415

416 Ms. Berndt - We have it in writing as part of his request for the transitional
417 buffer deviation. Also, with 9 and 11 amended, the plan will be coming back to the
418 Commission.

419
420 Mrs. Jones - Okay. I also just wanted to ask you about the notes on the
421 plan for reforestation of the area in the rear of the property. If you could just touch on
422 that briefly.

423
424 Ms. Berndt - Okay. If you look at the back of the plan here—I'll zoom in.
425 There's an area where the former house was located. If you look on the aerial, a lot of
426 this has already been cleared. It was cleared even when the house was there.
427 Everything they put in the RPA, they can only put as much square footage as was
428 previously in there with the house. So, if they put the parking lot back, which is what
429 they propose to do, they have to reforest the area where the house is. That's pretty
430 much restoring it to what you see adjacent.

431
432 Mrs. Jones - Okay. I know you're not the applicant, but I was just
433 wondering if you had discussed with him any timeframes for that, if that's going to start
434 right now should this be approved.

435
436 Ms. Berndt - I really wouldn't be able to answer that, but it would be part
437 of the construction plan and the landscape plan.

438
439 Mrs. Jones - Okay. All right. Thank you. I don't have any more
440 questions.

441
442 Mr. Jernigan - Any more questions for Ms. Berndt from the Commission?
443

444 Mrs. Jones - I would like the applicant to come down.
445

446 Mr. Jernigan - Thank you, Ms. Berndt. Would the applicant come down,
447 please? Good morning, sir. Would you state your name for the record, please?
448

449 Mr. Schmidt - It's William J. Schmidt. I'm the engineer on the project. I
450 don't know if the owner is here or not; however, the landscape architect is here in the
451 event you have any questions.

452
453 Mrs. Jones - Thank you. Good morning, Mr. Schmidt. Normally when
454 there's a transitional buffer deviation, it is incumbent upon the applicant to state their
455 case to the Commission. This is not something that we grant without reason, so if you
456 will just reiterate the reasons for why it is absolutely necessary that you have this.

457
458 Mr. Schmidt - Okay. There is a floodplain line going across the property
459 up near the driveway, the larger part of the driveway. We're putting in a parking lot down
460 there. In order to put it in, we have to remove the house, the carport, sheds—

461 everything that is impervious in nature, including the driveway. What we want to do,
462 then, is restore the area down along the creek, which would be where this house is.

463
464 Mrs. Jones - Could you speak to the transitional buffer deviation?

465
466 Mr. Schmidt - That's on the east line of the property. We have contacted
467 the adjacent owner in order to get an easement in an attempt to put in the landscaping
468 buffer there. Along the property line runs a Dominion Power power line, a city gas line,
469 and a six-inch waterline. There is no place to put it in that large easement. Since we
470 can't get permission on the other side, even though it is heavily-wooded and forested,
471 we have to move it onto the property itself.

472
473 Mrs. Jones - Okay. All right. Well, I understand the limitations of this
474 particular property and that property line, so I think it's an appropriate request. I'm
475 happy to see this project moving along. I see John is in the audience, and with Bill Spell
476 on the project, I'm sure it'll be beautiful. At any rate, I thank you for your information.

477
478 Mr. Schmidt - You're welcome.

479
480 Mrs. Jones - Well, I'm ready for a motion.

481
482 Mr. Jernigan - Okay.

483
484 Mrs. Jones - With that, I'd like to thank Aimee for working on this and also
485 to move approval of POD-51-08, Adamson Office Building. I'm going to put the approval
486 of the plan of development and the transitional buffer deviation into one motion. I would
487 like to approve this with the deviation and staff recommendation of approval, and
488 subject to the annotations on the plan, standard conditions for developments of this
489 type, additional conditions 9 and 11 amended, and conditions 29 through 39 in our
490 agenda.

491
492 Mr. Vanarsdall - Second.

493
494 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in
495 favor say aye. All opposed say no. The ayes have it; the motion passes.

496
497 The Planning Commission approved the Plan of Development and Transitional Buffer
498 Deviation for POD-51-08, Adamson Office Building, subject to the annotations on the
499 plans, the standard conditions attached to these minutes for developments of this type,
500 and the following additional conditions:

501
502 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
503 Planning for review and Planning Commission approval prior to the issuance of
504 any occupancy permits.

505 11. **AMENDED** - Prior to the approval of an electrical permit application and
506 installation of the site lighting equipment, a plan including depictions of light

- 507 spread and intensity diagrams, and fixture specifications and mounting height
508 details shall be submitted for Department of Planning review and Planning
509 Commission approval.
- 510 29. The right-of-way for widening of Patterson Avenue (State Route 6) as shown on
511 approved plans shall be dedicated to the County prior to any occupancy permits
512 being issued. The right-of-way dedication plat and any other required information
513 shall be submitted to the County Real Property Agent at least sixty (60) days
514 prior to requesting occupancy permits.
- 515 30. The entrances and drainage facilities on Patterson Avenue (State Route 6) shall
516 be approved by the Virginia Department of Transportation and the County.
- 517 31. A notice of completion form, certifying that the requirements of the Virginia
518 Department of Transportation entrances permit have been completed, shall be
519 submitted to the Department of Planning prior to any occupancy permits being
520 issued.
- 521 32. A concrete sidewalk meeting VDOT standards shall be provided along the north
522 side of Patterson Avenue (State Route 6).
- 523 33. Outside storage shall not be permitted.
- 524 34. The proffers approved as a part of zoning case C-19C-07 shall be incorporated in
525 this approval.
- 526 35. The certification of building permits, occupancy permits and change of
527 occupancy permits for individual units shall be based on the number of parking
528 spaces required for the proposed uses and the amount of parking available
529 according to approved plans.
- 530 36. Approval of the construction plans by the Department of Public Works does not
531 establish the curb and gutter elevations along the Virginia Department of
532 Transportation maintained right-of-way. The elevations will be set by the
533 contractor and approved by the Virginia Department of Transportation.
- 534 37. Evidence of a joint ingress/egress and maintenance agreement must be
535 submitted to the Department of Planning and approved prior to issuance of a
536 certificate of occupancy for this development.
- 537 38. The location of all existing and proposed utility and mechanical equipment
538 (including HVAC units, electric meters, junctions and accessory boxes,
539 transformers, and generators) shall be identified on the landscape plan. All
540 building mounted equipment shall be painted to match the building, and all
541 equipment shall be screened by such measures as determine appropriate by the
542 Director of Planning or the Planning Commission at the time of plan approval
- 543 39. The limits and elevations of the Special Flood Hazard Area shall be
544 conspicuously noted on the plan and labeled "Limits of Special Flood Hazard
545 Area." In addition, the delineated Special Flood Hazard Area must be labeled
546 "Variable Width Drainage and Utility Easement." The easement shall be granted
547 to the County prior to the issuance of any occupancy permits.
548

549 **PLAN OF DEVELOPMENT** (Deferred from the September 24, 2008 Meeting)
550

POD-52-08 **Resource International, Ltd. for The Tetra Companies, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 5,000 square foot office building. The 9.46-acre site is located on the southwest corner at the intersection of Oakleys Lane and I-64 on part of parcel 817-717-4199. The zoning is M-1C, Light Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

551
552 Mr. Jernigan - Is there any opposition to POD-52-08, Audubon North at
553 Oakleys Lane and I-64 (POD-34-08 Rev.)? There is no opposition. Good morning, Ms.
554 Goggin, how are you?
555

556 Ms. Goggin - I'm good, thank you. How about you all?
557

558 The plan before you proposes a one-story office building, as previously stated, at the
559 northeast intersection of I-64 and Oakleys Lane. POD-34-08 for 123,000 square feet of
560 retail space was approved by the Planning Commission in June 2008. This request is an
561 amendment of this POD, and it is for 5,000 square feet of office condos. The developer,
562 Tetra, intends to submit future phases for more additional office condos, or other uses
563 as permitted, as the area develops and needs arise.
564

565 The architectural submissions match the proffered plans, and, therefore, staff can
566 recommend approval subject to the annotations on the plan, the standard conditions for
567 developments of this type, and additional conditions 29 through 37 in the agenda.
568

569 Eric Johnson from Resource is here to answer any engineering questions you may have
570 of him, but I don't see a representative from Tetra. I would be happy to answer any
571 questions the Commission may have of me.
572

573 Mr. Jernigan - Are there any questions for Ms. Goggin from the
574 Commission? Okay, thank you. Christina, I appreciate you working on this. I know
575 we've been working on this one for a while, but it looks in order now. Thank you so
576 much.
577

578 Ms. Goggin - Yes, sir. No problem.
579

580 Mr. Jernigan - I don't need to hear from the applicant. I'm ready to make a
581 motion. I'll move for approval of POD-52-08, Audubon North at Oakleys Lane and I-64
582 (POD-34-08 Rev.), subject to the annotations on the plan, the standard conditions for
583 developments of this type, and the following additional conditions #29 through #37.
584

585 Mr. Branin - Second.

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

The Planning Commission approved POD-52-08, Audubon North at Oakleys Lane and I-64 (POD-34-08 Rev.), subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

29. The right-of-way for widening of Oakleys Lane as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
30. The entrances and drainage facilities on Interstate 64 shall be approved by the Virginia Department of Transportation and the County.
31. A concrete sidewalk meeting County standards shall be provided along the west side of Oakleys Lane.
32. A 25-foot planting strip to preclude ingress or egress along the south side of Interstate 64 shall be shown on the approved plans. The details shall be included with the required landscape plans for review and approval.
33. The proffers approved as a part of zoning case C-60C-04 shall be incorporated in this approval.
34. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
35. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.
36. The applicant shall incorporate into the construction plans for signature any comments generated by the County's Traffic Engineer from his review of the Traffic Impact Study for this development.
37. The limits and elevations of the Special Flood Hazard Area shall be conspicuously noted on the plan and labels "Limits of Special Flood Hazard Area." In addition, the delineated Special Flood Hazard Area must be labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to the County prior to the issuance of any occupancy permits.

626 **PLAN OF DEVELOPMENT**

627

POD-65-08 **Koontz-Bryant, P.C. for Dixon Independent School Corp.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a baseball/field hockey field, a soccer/lacrosse field, a parking lot expansion, and a pad for a future science building. The 35.73-acre site is located on Gayton Rd., on parcels 736-747-8260 and 0678, and 736-748-4535. The zoning is A-1, Agricultural District. County water and sewer. **(Tuckahoe)**

628

629 Mr. Jernigan - Is there any opposition to POD-65-08, The Steward School
630 Field Expansion (POD-20-08 Rev.)? There is opposition. Okay. Good morning, Mr.
631 Strauss, you may proceed.

632

633 Mr. Strauss - Good morning, and thank you, Mr. Chairman.

634

635 The applicant, The Steward School, proposes to construct several additional athletic
636 fields to supplement the existing sports facilities used for soccer and field hockey. This
637 proposal also includes extension of an existing parking lot to Gayton Road, which is
638 located here. They will also include a future science building near Gayton Road, as well
639 as a second storm water pond. The pond that currently exists is located here, and the
640 new pond is to be located right beside it. This basin will be designed as a shallow
641 marsh, and it will serve as an educational tool in relation to the future science building to
642 be constructed nearby.

643

644 This proposal before us today is actually a Phase 2 plan of the recent expansion
645 program for The Steward School. The Commission may recall last April the applicant
646 submitted plans for several building additions for the area known as the Upper School,
647 located here. At that time, the applicant also submitted a revised master plan that
648 included new ballfields and this science building. The neighbors were concerned about
649 the potential impact that the ballfields would have on the substantial tree buffer along
650 the western property line. This neighborhood is Sussex Square, and Sussex Woods.

651

652 Since the applicant had not prepared detailed grading plans at that time, approval of
653 these facilities was delayed for a later phase until grading plans were prepared. We now
654 have the grading plans. Given the neighborhood's interest, a community meeting was
655 held on Monday to discuss the ballfields and other issues. While there is still some
656 neighborhood concern about the adequacy of the buffer remaining on the western
657 property line where these ballfields would be constructed, the staff, the neighborhood,
658 and the school were in agreement that a detailed landscape plan could come back to
659 the Commission to evaluate the need for supplemental planting along this western
660 property line. This landscape plan would be submitted after construction begins, and it
661 would come back to the Commission. This is the reason we have #9 amended in the
662 staff report.

663
664 There was also some concern on the part of the neighborhood regarding the second
665 entrance proposed on Gayton Road. As you can see from the aerial photo, there is
666 already one entrance on Gayton Road. They propose a second entrance with this
667 phase to serve the science building and a parking lot extension here. The applicant
668 proposes the second entrance to serve the future science building, and some of the
669 ballfields they are constructing.

670
671 Over the years, the neighbors have been very concerned about a number of traffic-
672 related issues along Gayton Road. The school itself is also concerned about safety. So,
673 along with the Department of Public Works, they have been implementing intersection
674 improvements at Gayton Road and Ryandale Road, which include a traffic signalization
675 program. Although the Traffic Engineer has made a field visit to observe issues such as
676 sight distance at this location, the school, neighborhood, and staff still have numerous
677 questions related to the posted speed limit, the need for school zone flashers, and other
678 improvements. So, the school has agreed to resubmit the second entrance on Gayton
679 Road with the architectural plans for the future science building at a later time. This
680 seemed a reasonable way to allow for the school to proceed with the ballfield
681 construction while the plans for the science building are finalized.

682
683 Therefore, this morning, staff has handed out a new annotated plan, which removes the
684 second entrance on Gayton Road, and indicates that it will be resubmitted with a future
685 phase when the science building is submitted. With that, staff and various agencies are
686 recommending approval.

687
688 I'll be happy to answer any questions you may have. We have representatives from The
689 Steward School. We have their civil engineer, Mr. Paul Hinson with Koontz-Bryant. We
690 also have a number of neighbors here. Thank you.

691
692 Mr. Jernigan - Are there any questions for Mr. Strauss from the
693 Commission?

694
695 Mrs. Jones - Mr. Strauss and I have talked so much over the past several
696 weeks, that I think we've probably come to the end of our questions, but didn't know if
697 anyone else had any. If not, then I guess we should probably hear—

698
699 Mr. Jernigan - You want to hear from the applicant?

700
701 Mrs. Jones - Actually, I'd like to hear from the folks who would like to
702 make a comment, and then the applicant can respond to their comments.

703
704 Mr. Jernigan - Okay. Mr. O'Kelly, I don't know how many folks we have.

705
706 Mrs. Jones - Do we have one person who's going to talk on behalf of the
707 neighbors?

708

709 Mr. Jernigan - Yes, one person.
710
711 Mrs. Jones - Okay. We have certain guidelines for discussion, and Mr.
712 O'Kelly will review those for you.
713
714 Mr. Jernigan - Well, if we only have one speaker—It's five minutes.
715
716 Mrs. Jones - Okay.
717
718 Mr. Jernigan - Come on down, sir.
719
720 Mrs. Jones - This is a low-key organization.
721
722 Mr. Jernigan - Good morning. Would you state your name for the record?
723
724 Mr. Wilson - Good morning. I'm Glen Wilson, and I'm president of the
725 Sussex Square Association.
726
727 Sussex Square, with our 87 taxpaying homeowners, is not satisfied with the buffer zone
728 shown on the current Steward School plan. We asked for a 100-foot buffer because of
729 the incompatibility of the athletic field and our residential area. We would hope that you
730 could approve the 100-foot buffer.
731
732 Mrs. Jones - You have quite a few minutes left. That was the most
733 succinct presentation I think I've ever heard.
734
735 Mr. Wilson - I think there's been a fair amount of discussion. I know that
736 you have been involved in a fair amount of that, and I know that the folks from The
737 Steward School have previously heard the same message that we have delivered here
738 this morning. While certainly I'll be happy to answer any questions, or talk further, I
739 know the Steward School folks know what our concerns have been. We had two
740 issues, and they removed one of them this morning, the traffic situation. Our other was
741 this buffer zone.
742
743 Mrs. Jones - Mr. Wilson, at our meeting on Monday night, we discussed a
744 lot of these issues from various perspectives and points-of-view. I think it would be fair
745 to say—and I need to make sure that you agree—that The Steward School has looked
746 at a number of options to try to work their plans and needs, so that the neighborhood
747 gets the most benefit from what they finally decide they must do, and how they can do
748 it. I want to make sure that you all—the neighbors as well as you personally—
749 understand that #9 amended on your addendum is a requirement that the plan come
750 back to the Commission in order to have detailed landscaping determined at that time.
751 That will provide an opportunity to look at what can be done to supplement the plantings
752 that are remaining, the tree-save that's remaining. I want to make sure you know that
753 that's what is represented by #9 amended.
754

755 Mr. Wilson - We do, and we understand that all the landscaping will be
756 done after the removal of the trees and so forth so that we could see the actual areas
757 that need the most attention.
758

759 Mrs. Jones - There are always surprises when things are actually done on
760 site, and we want to be responsive to those. Thank you for your comments. I'll have the
761 school explain their need to use part of that buffer that you've requested, and from their
762 perspective.
763

764 Mr. Wilson - Thank you.
765

766 Mrs. Jones - Thank you.
767

768 While Mr. Seward's coming down, this has been, obviously, a phased case, and we've
769 been working on this for many months as each particular element of the plan comes
770 forward.
771

772 Mr. Jernigan - Good morning.
773

774 Mr. Seward - Good morning. Thank you for having us, and I appreciate the
775 opportunity to say a few words.
776

777 Mrs. Jones - Would you please—
778

779 Mr. Jernigan - Would you state your—
780

781 Mrs. Jones - Yes, sorry.
782

783 Mr. Seward - My name is Ken Seward without a "t," and I'm the head
784 master of Steward School.
785

786 Mr. Hinson - Paul Hinson with Koontz-Bryant. We're the engineer on the
787 project.
788

789 Mrs. Jones - Thank you.
790

791 Mr. Jernigan - Okay.
792

793 Mrs. Jones - Would you respond to the neighbor's comments?
794

795 Mr. Seward - We are sensitive to the fact that for some time the neighbors
796 have enjoyed about 150 feet of wooded area that the school owns. As you can see
797 from the site plan, most of our development has been on Ryandale, or the east side of
798 our property. We have reserved the west side for athletic fields.
799

800 The school has made a decision, actually, to not grow in terms of student enrollment, so
801 the increased fields are not for more children, more traffic. The increased fields are for
802 the existing children in the school, more of whom will want to play on teams. Inclusion
803 is a fundamental value at the school, so we don't just take the best kids and have the
804 best kids play on teams, or the best kids for performances. I think the school is about
805 26 students larger than when I arrived five years ago, and we have 13 more teams. It is
806 our response to children wanting to play on teams, and as many of you know, teams
807 like ours play mostly in the fall and the spring from 3:30 to 6:30 in the afternoon. There
808 are no plans to light these fields. We do have some summer camps, and at this point,
809 we do have adequate field space for summer camps, although they may grow in the
810 future.

811
812 We like the green space as well. We use it for our science classes. I've walked this
813 space extensively with our ecology teachers and our biology teachers. It is a resource
814 for us, as well as an aesthetic advantage for our neighbors. We have engineered and
815 re-engineered these fields to try to preserve as much of it as possible, because we use
816 it as classroom space, and enjoy it as the neighbors do. But for us, the needs of
817 children really drive the program, so that's why we're asking for more field space there.

818
819 I'd be happy to take any questions.

820
821 Mrs. Jones - Thank you, Mr. Seward.

822
823 Mr. Jernigan - Any questions for Mr. Seward from the Commission? Okay.
824 Thank you very much.

825
826 Mrs. Jones - I don't have any further questions, thank you.

827
828 Mr. Vanarsdall - Thank you.

829
830 Mrs. Jones - The neighbors have been ever vigilant for this project, and I
831 am always extremely pleased when people take an active interest in making sure that
832 their adjacent properties, as well as the County in general, maintain the high standards
833 that we all want. You all from Sussex Square, Sussex Woods, the folks who have been
834 behind this, have been behind this all the way. I will assume that we will continue to see
835 each other as things move along, should this be approved today. I wanted to tell you
836 that it's because of your involvement that compromises in plans of development
837 happen. I think that those are healthy processes for the project. I think it is a better fit
838 because of the light that's been shed on various aspects of this project, but it also meets
839 the needs of the school. Obviously, in our particular situation, the school does have the
840 right to develop this land as they're proposing. They do want to be a good neighbor, is
841 the indication I've received, and for that reason are willing to go to some lengths in order
842 to try to provide for some of the requests that they've had from adjacent neighbors. This
843 is always a balancing act, and it's difficult. I appreciate everybody's ideas, concerns,
844 and the time you've taken to follow this process. When all is said and done, I'm just
845 hoping—because I really do believe it—that everyone will agree that the process is fair,

846 that there has been adequate opportunity to talk and discuss, and work together. If
847 that's the case—and I hope you will agree that's the case—then I think we all can be
848 pleased that we will come out with a better project in the end. With that, I feel like I
849 needed to say my thank-yous to the neighbors, because it's the spotlight they've shed
850 on a number of items that have led us to the point we are now.

851
852 Jim Strauss has been on this particular case for many months, and as always, I rely
853 heavily on him for his expertise, which is extensive. I thank him for being involved with
854 this.

855
856 I think we've come to a good compromise for today's consideration. We will have the
857 science building. There are some impressive plans for the green science building to
858 come back. At that time, there will be other discussion points to take under
859 consideration as well. So, with the new annotated plan, I am pleased that we are at a
860 point where we can vote on this project.

861
862 With that, I am going to make a motion. I would like to move for approval of POD-65-
863 08, The Steward School Field Expansion (POD-20-08 Rev.). This will be in addition to
864 standard conditions for developments of this type, additional conditions on the
865 addendum which are #9 amended and #11 amended, conditions #29 through 34, and
866 the revised plan with additional annotations that was handed out this morning.

867
868 Mr. Vanarsdall - Second.

869
870 Mr. Jernigan - Motion by Mrs. Jones, and a second by Mr. Vanarsdall. All
871 in favor say aye. All opposed say no. The ayes have it; the motion passes.

872
873 The Planning Commission approved POD-65-08, The Steward School Field Expansion
874 (POD-20-08 Rev.), subject to the annotations on the plans, the standard conditions
875 attached to these minutes for developments of this type, and the following additional
876 conditions:

- 877
878 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
879 Planning for review and Planning Commission approval prior to the issuance of any
880 occupancy permits.
- 881 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
882 of the site lighting equipment, a plan including depictions of light spread and
883 intensity diagrams, and fixture specifications and mounting height details shall be
884 submitted for Department of Planning review and Planning Commission approval.
- 885 29. There shall be no outdoor storage in moveable storage containers including, but
886 not limited to, cargo containers and portable on demand storage containers.
- 887 30. Approval of the construction plans by the Department of Public Works does not
888 establish the curb and gutter elevations along the Henrico County maintained
889 right-of-way. The elevations will be set by Henrico County.
- 890 31. The conceptual master plan, as submitted with this application, is for planning
891 and information purposes only.

- 892 32. The location of all existing and proposed utility and mechanical equipment
 893 (including HVAC units, electric meters, junctions and accessory boxes,
 894 transformers, and generators) shall be identified on the landscape plan. All
 895 building-mounted equipment shall be painted to match the building, and all
 896 equipment shall be screened by such measures as determined appropriate by
 897 the Director of Planning or the Planning Commission at the time of plan approval.
 898 33. Except for junction boxes, meters, and existing overhead utility lines, and for
 899 technical or environmental reasons, all utility lines shall be underground.
 900 34. A concrete sidewalk meeting County standards shall be provided along the north
 901 side of Gayton Road.

902 Mrs. Jones - Thank you all very much.

903
 904 **PLAN OF DEVELOPMENT**

905 POD-26-05 **Keith Engineering, Inc. for BOJ, LLC:** Request for
 906 Reconsideration approval of a reconsideration of the architectural
 Superstar – Bonnie M. elevations for a plan of development, as required by
 Pradhan Addition – 9999 Chapter 24, Section 24-106 of the Henrico County Code,
 Brook Rd. to construct a two-story 6,051 square foot building addition
 (POD-03-96 and 95-00 to an existing convenience store with gas pumps, with
 Rev.) restaurants on the first floor and a proprietor/employee
 dwelling on the second floor. The 1.316-acre site is
 located at the southeast corner of the intersection of Brook
 Rd. (US Route 1) and J.E.B. Stuart Pkwy. on parcel 783-
 769-9052. The zoning is B-3C, Business District
 (Conditional). County water and sewer. **(Fairfield)**

907
 908 Mr. Jernigan - Is there any opposition - to POD-26-05, the reconsideration of
 909 Superstar, Bonnie M. Pradhan Addition (POD-03-96 and 95-00 Rev.)? We do have
 910 opposition.

911
 912 Mrs. Jones - I need to make a notation for the record that I will not be
 913 discussing or voting on this case due to a representational conflict.

914
 915 Mr. Jernigan - So noted, Mrs. Jones. Mr. Greulich, you may proceed.

916
 917 Mr. Greulich - Mr. Chairman, Planning Commission members, this case is
 918 before you today for the specific reconsideration of the elevations to an addition that
 919 was previously approved by the Commission. Minor changes to previously-approved
 920 plans can be approved administratively, but after several internal discussions with staff
 921 and with Mr. Archer, it was determined that the requested changes warranted a
 922 Commission hearing. The layout of the addition, including the limits of disturbance, the
 923 location of curb and gutter, et cetera, and its original architectural elevations were
 924 previously reviewed by staff and approved by the Planning Commission at its March 30,
 925 2005 Commission meeting. To help illustrate the proposed changes, staff generated

926 this graphic that indicates on the left what was previously approved, and then on the
927 right, what is currently proposed. I will elaborate on the proposed changes between the
928 two.

929
930 One of the major changes is the revised second floor of the North Side elevation facing
931 J.E.B. Stuart Parkway. The previous approval indicated that the space directly above
932 the entrance to the proposed first floor would be an angled roof leading to a second
933 floor, but now the applicant is proposing that the wall of the second floor is flush with the
934 first floor. This proposed roofline is not higher than the existing roof line.

935
936 The other major change is the exterior stairway on the South Side elevation facing the
937 existing Bank of Essex—this elevation here. Originally, this was an interior stairway, but
938 now the applicant is proposing an exterior one. Planning Staff and the Police
939 Department were initially concerned about the safety of this stairway, but the applicant
940 has provided a wrought iron fence and gate for the second floor to address these
941 concerns.

942
943 A last change of note is that the East Side elevation facing Ethelwood Road—which is
944 this elevation—was approved with five windows, three on the second floor and two on
945 the ground floor. The applicant has proposed that this be reduced to four windows, two
946 on the second floor and two on the ground floor.

947
948 Before I complete staff's presentation and provide the Planning Department's
949 recommendation to the Planning Commission, I wanted to highlight some aspects of
950 this case that may help to address some misconceptions and concerns.

951
952 As I initially stated, the layout of the site that is contained in this reconsideration is the
953 same layout as approved by the Planning Commission in 2005. At that time and with
954 this reconsideration, staff examined and confirmed that the 10-foot perimeter
955 landscaping requirement as required by Code is met. At the previous Commission
956 hearing, a concern was raised regarding the landscaping in the southeast corner of the
957 property—essentially in this area here—and as a result, the Commission added
958 condition #38 that states: "To the extent possible, supplemental plantings shall be
959 provided between the row of parking and the existing masonry wall."

960
961 The distance between the curb and the masonry wall varies in width from three to five
962 feet, and there are suitable screening shrubs that can be planted in this space such as
963 certain species of Hollies. Depending on which species is planted, these can grow
964 upwards of 10 to 15 feet, and will provide a dense, visual hedge. These landscaping
965 concerns and the Code requirements for landscaping plans will be met when the
966 landscape plan is submitted.

967
968 At the same Commission meeting in 2005, the applicant was approved to have the
969 ability to have a residence above his proposed addition. This is allowed by Code, under
970 Section 24-64, Accessory Uses Permitted, and was confirmed by the Zoning Division
971 Manager prior to the Commission hearing in 2005, and today. This section of Code

972 allows for a dwelling unit for occupancy by the proprietor or an employee as long as it is
973 in the same building. Staff has confirmed with the applicant that there is only one such
974 dwelling, and they have modified the floor plan so that it reflects this code requirement.
975 Staff added condition 39 to emphasize this requirement.

976
977 A similar situation was approved with POD-046-07, Mac Chevron on Ridge Road. That
978 POD was approved last year whereby a building with a convenience store was located
979 on the ground floor, and a single residence was located above it.

980
981 The site is also governed by rezoning case C-113C-88, which also impacts the greater
982 Virginia Center Commons development, and as such, has certain restrictions that are
983 worth reiterating. The dumpster can only be serviced from 6 a.m. to 6 p.m., and any
984 infractions of this should be directed to Community Revitalization Department for follow-
985 up. I have been in contact with the County representative for this area, Ms. Robin
986 D'Amore, and with the Community Police Officer for this area, Officer Kusmin, and
987 confirmed that they both have been in contact with the neighborhood regarding their
988 concerns in the area.

989
990 Finally, the site is within the purview of the Virginia Center Owners Association and their
991 covenants. The County has no jurisdiction over this Association, and only requests that
992 the elevations shown to this Association match the latest elevations as approved by the
993 Planning Commission.

994
995 With that, staff can recommend approval of this reconsideration as County comments
996 have been addressed, and it meets all Code and proffer requirements. This approval is
997 subject to the annotations on the revised plan and elevations, and all of the previous
998 terms and conditions of the original approval of POD-026-05 from March of 2005. As I
999 stated earlier, staff has also added additional condition 39 as shown on your addendum
1000 that states: "A secondary full-functioning kitchen is not permitted on the second floor
1001 proposed for a proprietor or employee dwelling."

1002
1003 Staff and representatives of the applicant are present this morning to answer any
1004 questions that you may have. Thank you.

1005
1006 Mr. Jernigan - Are there any questions for Mr. Greulich from the
1007 commission?

1008
1009 Mr. Vanarsdall - I have a question. What did you say a full-functioning kitchen
1010 is? Would that be one with a cook or...?

1011
1012 Mr. Greulich - I believe the definition is determined by a full-functioning
1013 oven. So, a microwave oven is okay, a kitchen sink—stuff like that. Once they install an
1014 oven, and I guess the gas or the electricity that goes to it, then that determines that
1015 there is a second functioning kitchen.

1016
1017 Mr. Vanarsdall - You can have a microwave.

1018
1019 Mr. Greulich - Oh, yes. You can have a microwave. For an actual formal
1020 definition, I would definitely have to defer to Zoning Conformance.
1021
1022 Mr. Vanarsdall - Thank you.
1023
1024 Mr. Branin - I also have a comment in regards to the gas station that was
1025 approved in the Three Chopt District with the apartment above it. That apartment was
1026 never built.
1027
1028 Mr. Greulich - Oh, it wasn't?
1029
1030 Mr. Branin - The gas station was; the apartment wasn't.
1031
1032 Mr. Jernigan - Are there any other questions for Mr. Greulich? Mr. Archer,
1033 would you like to hear from the applicant?
1034
1035 Mr. Archer - I suppose we probably should for a moment. On second
1036 thought, let's hear from the opposition first.
1037
1038 Mr. Jernigan - Okay. Would the opposition come on down, please, and
1039 state your name for the record.
1040
1041 Mr. Kronenthal - Good morning. I'm Mark Kronenthal. I'm with Williams
1042 Mullen, and we represent the Sauer Properties, who's the declarant under the Virginia
1043 Center Commons Protective Covenants.
1044
1045 I'm here because we do oppose this application. We also would request a deferral
1046 because the applicant's property is subject, as I previously stated, to the protective
1047 covenants, and they have not submitted any of these plans for approval, as required
1048 under the covenants. The covenants require that preliminary and final plans are
1049 submitted for approval to the declarant. Again, none have been submitted. We would
1050 ask for at least a 60-day deferral period for the applicant to conform to the declaration.
1051
1052 Mr. Jernigan - All right. Any questions?
1053
1054 Mr. Archer - You and I discussed this I think last Friday.
1055
1056 Mr. Kronenthal - Yes, sir.
1057
1058 Mr. Archer - In looking back at the history of this particular location, we've
1059 had several changes made here over the years. It has always been my understanding
1060 that the restrictions that are placed upon this property by the covenants are not
1061 something that fall within the purview of the Planning Commission. It's more of a civil
1062 matter that has to be dealt with between the association and the applicant. Mr.

1063 Secretary, you can correct me if I'm wrong, but I don't believe we're able to speak to
1064 that, are we?

1065
1066 Mr. O'Kelly - I think your statements are absolutely correct, Mr. Archer.

1067
1068 Mr. Kronenthal - We would ask that the deferral be granted so there wouldn't
1069 be any need for a resubmission, or any kind of extra applications in the event that there
1070 was a problem with the application under the submission of the plans under the
1071 covenant.

1072
1073 Mr. Archer - What the applicant has submitted so far has been approved
1074 by staff. It would be my opinion that if changes were warranted, then they would have to
1075 come back and reapply again for those changes. That would be up to them. If they
1076 choose to defer to do that first, I think it's up to the applicant to make that request.
1077 What we're trying to do is make a ruling on what has been submitted. If it changes
1078 significantly, it would have to be resubmitted, because it would not be something we
1079 would have approved. I understand your position, but again, this has come up before
1080 when we've had similar changes. We just don't have any authority over the restrictions
1081 that lie within the covenants. That's not within our purview.

1082
1083 Mr. Kronenthal - All right. Yes, sir.

1084
1085 Mr. Archer - Anybody else?

1086
1087 Mr. Jernigan - Any other questions? Thank you, sir.

1088
1089 Mr. Kronenthal - Thank you.

1090
1091 Mr. Jernigan - Good morning.

1092
1093 Mr. Franklin - Good morning, Mr. Chairman. I'm Joe Franklin. I am the
1094 current landowner of the property that is to the right of the convenience store, inside of
1095 Ethelwood Road. The adjacent property owner.

1096
1097 Mr. Jernigan - Sir, what's your name?

1098
1099 Mr. Franklin - Joe Franklin.

1100
1101 Mr. Jernigan - Franklin. I'm sorry.

1102
1103 Mr. Franklin - Yes, sir. My concern with this is the issue of the dwelling.
1104 The Pradhan's own the property across from my house today, the house that I grew up
1105 in. I understand the issue of them wanting to use it as a dwelling, but I have serious
1106 concerns with the increased elevation, and the expansion of allowing them to go to a
1107 two-story expansion upstairs with that dwelling. As the property owner of the closest
1108 piece of real estate property, I have concerns with the property, the market value of that

1109 piece of property long-term with that expansion, and just the whole process of how
1110 that's taken place with the shrubbery and everything else it's going to take—either be
1111 removed from the existing buffer inside the wall, or possibly be removed with the
1112 increased lighting on the outside in between the masonry wall that Mr. Glover, the
1113 Board of Supervisors, and the Planning Commission approved back when Figgie
1114 developed the property in the nineties. That's my concern, sir.

1115

1116 Mr. Archer - Mr. Franklin?

1117

1118 Mr. Franklin - Yes, sir, Mr. Archer.

1119

1120 Mr. Archer - I certainly do appreciate your concern, but you do
1121 understand that this particular elevation was initially approved in 2005. This is sort of an
1122 enhancement of it. I think one of your concerns has to do with light coming from within?

1123

1124 Mr. Franklin - I do.

1125

1126 Mr. Archer - This would actually have one less window than there would
1127 have been under the original plan. The lighting would probably be less, and there is no
1128 difference in the height of the original elevation. It's the same that was approved
1129 before.

1130

1131 Mr. Franklin - Okay. Mr. Archer, there is nothing else that I can say.
1132 Growing up 43 years ago on this piece of property, I've seen it expand tremendously.
1133 My concern with that piece of property and the convenience store itself is they want to
1134 have an expanded convenience store. The best way to do that, in my opinion, in driving
1135 business is to lower your gas prices. As a homeowner that sits there every day, I
1136 wouldn't go in there because they're 40 and 50 cents above. Just driving in and
1137 bringing in the additional convenience store, and a Dunkin' Donuts, or whatever
1138 franchise you're bringing in, is not going to generate any more business. I think you
1139 need to look at your property. I'm all for anybody making a buck, but I can tell you, we
1140 are overpopulated in that area, as far as I'm concerned, with development. We have
1141 restaurants all over the place. I'm thankful for the work that the Planning Commission
1142 put in in the nineties to give us, as the neighborhood, some consideration, a buffer with
1143 a fence, which I've seen throughout the County, and other counties now that I'm now a
1144 property owner in Chesterfield. The pride was not taken in other subdivisions with
1145 putting in the masonry fences and things like that, so I'm respectful of that. But I'm just
1146 concerned about the density. The density of allowing additional expansion in that area,
1147 you know, from nothing—When I used to grow up in the boondocks in the eighties, I
1148 would say, and now, I'm just concerned about the ability to expand. You guys hear that
1149 every day, so I'm respectful of that. We don't need that additional business there.
1150 Maybe Mr. Pradhan thinks he needs that to survive, but I tell you what, we have every
1151 conceivable restaurant now in North Richmond that we never had before. I guess that's
1152 all I can say.

1153

1154 Mr. Archer - Mr. Franklin, I don't want you to think that I'm not—and
1155 probably this whole Commission is not—sensitive to what you're saying.
1156

1157 Mr. Franklin - I understand, Mr. Archer.
1158

1159 Mr. Archer - The problem is, we have to work within the parameters
1160 that—
1161

1162 Mr. Franklin - I understand.
1163

1164 Mr. Archer - —that were established by the zoning case. We can't just
1165 arbitrarily—
1166

1167 Mr. Franklin - Totally understand. I would just hope that the Commission
1168 would request greater, I guess, insight on this buffer plan and the landscaping. I'm
1169 concerned about any closer traffic and parking to that wall than it is today. It's pretty
1170 close today with the expansion of Best Buy and the bank. We're right up on it today. I
1171 just don't know where the additional parking is going to go, unless you go into that—I
1172 assume it's an excess pond, Tony, down front. There's a water piece down in the front
1173 in the far left-hand corner, or the right-hand corner. I don't know where the additional
1174 parking could go. This is not me up here trying to grab at straws, I'm being very honest.
1175

1176 Mr. Archer - Mr. Greulich, can you respond to that.
1177

1178 Mr. Greulich - Absolutely. The pond that Mr. Franklin's referring to will
1179 remain where it is in its current state. The site as shown to staff does meet parking
1180 requirements, even for the additions of the two—whatever the new franchises will be.
1181

1182 Mr. Archer - Can you also reiterate where the plantings would be? You
1183 spoke about additional plantings that would have to be approved.
1184

1185 Mr. Greulich - The additional plantings will be placed in here. You can see
1186 where the existing wall is, and that's where—
1187

1188 Mr. Archer - I understand. I just want to make sure that everybody else
1189 does.
1190

1191 Mr. Greulich - Oh, sure.
1192

1193 Mr. Archer - I know where they are.
1194

1195 Mr. Greulich - Which is where the proposed curb and gutter will be. The
1196 space in between the two will be landscaped as best as possible.
1197

1198 Mr. Archer - Everybody have that? Okay. I don't have any more
1199 questions or comments, unless somebody else has some.

1200
1201 Mr. Glover - Mr. Archer, I'm going to speak because it was mentioned
1202 that I had something to do with this to begin with.
1203
1204 Mr. Archer - Yes, sir, Mr. Glover.
1205
1206 Mr. Glover - I think one of the things that you have to be concerned with
1207 is the County deals with property owners within the parameters of what's legal and what
1208 isn't legal. When you get to this point, it's all a matter of if it's zoned a certain way, then
1209 they have a certain property right. One of the things we did back when you mentioned it
1210 is we did put 150 feet between your property and the wall that's there, then 100 feet
1211 between the back of your property line and the wall that's on JEB Stuart. I worked with
1212 your mom and several of the other 16 homeowners in that area, and they were very
1213 good at putting a lot of pressure on the attorney for Virginia Center. I can understand
1214 and accept your comments, but I know you know what's legal has to be allowed. I just
1215 want to be sure that we've made sure that you had a reasonable—actually, beyond
1216 reasonable at the time when it was—If they wanted something, they were willing to give
1217 you all something. I think probably within the framework of what the County has
1218 required them to landscape with the wall, you should be okay.
1219
1220 Mr. Franklin - [Off mike.] [Inaudible] existing between the wall?
1221
1222 Mr. Jernigan - Sir, could you come up to the microphone, please?
1223
1224 Mr. Franklin - My biggest concern is that none of the existing shrubbery in
1225 here be removed or—I mean, that gives us ground cover today.
1226
1227 Mr. Glover - Is that between you and the wall?
1228
1229 Mr. Franklin - Yes, sir.
1230
1231 Mr. Glover - I don't think they go outside—
1232
1233 Mr. Franklin - There are some big Leylands, as far as I know, Tony—and
1234 you can correct me if I'm wrong, Mr. Archer; you probably know—that are in this area as
1235 well. I'm concerned that they're going to be pulled up. It's just an issue of light, and an
1236 issue of noise.
1237
1238 Mr. Glover - I think you're going to be all right. I do.
1239
1240 Mr. Franklin - Okay.
1241
1242 Mr. Glover - You're all right within the framework of what was approved in
1243 1988.
1244
1245 Mr. Franklin - Yes, sir. 1989.

1246
1247 Mr. Glover - I have a pretty good memory, too.
1248
1249 Mr. Franklin - Mine is not as well as it used to be.
1250
1251 Mr. Glover - I just wanted you to know that the County has really tried to
1252 make sure that the homeowners of Ethelwood there have been taken into consideration.
1253 I think they have. I think we did from 1980 on.
1254
1255 Mr. Franklin - Based upon other plans of development this morning, I
1256 totally understand. I'm very happy.
1257
1258 Mr. Glover - Not many neighborhoods are surrounded by masonry walls.
1259
1260 Mr. Franklin - No, they're not. We don't consider that to be a prison.
1261 Thank you.
1262
1263 Mr. Jernigan - Thank you.
1264
1265 Mr. Glover - It's an aesthetic, decorative wall. And Jeb Stuart would have
1266 been proud.
1267
1268 Mr. Archer - Mr. Franklin, thank you for coming out and expressing your
1269 concerns. It'll make sure that we pay a little bit closer attention to what the final outcome
1270 is.
1271
1272 Anything else, Mr. Greulich?
1273
1274 Mr. Greulich - I'm fine.
1275
1276 Mr. Archer - Before I move on this, I would like to tell the applicant—you
1277 don't have to come up. I think you need to be aware of the fact that you have to satisfy
1278 the association out there with what can be done, and if they do make significant
1279 changes, and if you have to make significant changes, I would suppose that this would
1280 have to come back again. That's an upcoming meeting that you have to deal with.
1281
1282 Okay, then. Mr. Chairman, with that, I will move for approval of POD-26-05, the
1283 reconsideration of Superstar, Bonnie M. Pradhan Addition (POD-03-96 and 95-00 Rev.),
1284 subject to the annotations on the plans, the staff's recommendation, and the correction
1285 of Condition #29 to be #39.
1286
1287 Mr. Vanarsdall - Second.
1288
1289 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
1290 favor say aye. All opposed say no. The ayes have it; the motion passes.
1291

1292 Mrs. Jones - I abstain.

1293

1294 The vote was as follows:

1295

1296 Mr. Jernigan - Aye

1297 Mrs. Jones - Abstain

1298 Mr. Archer - Aye

1299 Mr. Branin - Aye

1300 Mr. Vanarsdall - Aye

1301

1302 The Planning Commission approved POD-26-05, the reconsideration of Superstar,
1303 Bonnie M. Pradhan Addition (POD-03-96 and 95-00 Rev.), subject to the annotations on
1304 the plans, the conditions previously approved for POD-26-05 by the Planning
1305 Commission at its meeting on March 30, 2005, and the following additional condition:

1306

1307 29. 39.A secondary full-functioning kitchen is not permitted on the second floor
1308 proposed for a proprietor/employee dwelling.

1309

1310 **PLAN OF DEVELOPMENT AND MASTER PLAN**

1311

POD-66-08
West Broad Village –
Phase III – Old Brick Road
and Fish Pond Lane
(POD 42-06 Rev.)

Timmons Group for West Broad Village IV, LLC and West Broad Village V, LLC: Request for approval of a plan of development and revised master plan as required by Chapter 24, Section 24-106 of the Henrico County Code to revise the layout of Parcel H and to construct an additional phase of the West Broad Village urban mixed use development consisting of two one-story buildings and one two-story building, with a total of approximately 72,000 square feet of retail space and 15,500 square feet of office space; and a master plan for a future 4,500 square foot one-story bank building. The 6.564 acre parcel is located along the north line of Old Brick Road, east of its intersection with Fish Pond Lane, and on the south line of West Broad Street, east of the I-64 Short Pump Interchange, on part of parcel 744-760-7007 and part of parcel 744-760-1664. The zoning is UMUC, Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

1312

1313 Mr. Jernigan - Is there any opposition to POD-66-08, West Broad Village,
1314 Phase III (POD 42-06 Rev.)? There is no opposition. Good morning, Mr. Kennedy.

1315

1316 Mr. Kennedy - Good morning. This is kind of a complicated case with a lot
1317 of paperwork, so I'm going to try to go through it and break it up in manageable pieces
1318 so you can digest it.

1319

1320 Before you this morning is an additional package of information. The largest plan,
1321 which is the cover plan—it has this coversheet like this—is the overall master plan. It's
1322 a very large plan. It's your oversized sheet. It has a foldout sheet with the overall
1323 master plan.

1324
1325 The developer has submitted an updated revision to the master plan. The revision
1326 would not increase the density of development, but would rather modify the layout of the
1327 development to rearrange the approved elements, the commercial and residential
1328 elements—the major elements in that plan where the hotel quadrant is. It's supposed to
1329 be this quadrant, which is subject to Phase 3. The hotel has now been moved to where
1330 that office building is. The office building has been reduced in size. The developers
1331 have determined that, for marketing purposes, the hotel has to be integrated into the
1332 office complex. It's similar to the James Center. In order to make up the office space,
1333 some additional office space has been developed within the development, in particular
1334 in Building A-6, which was right here. There's actually a revised elevation in your
1335 packet, just for your information. They're putting office space there. There's also office
1336 space in this phase on top of the Thomasville Building. The commercial space they're
1337 making up in these buildings here. The net result is that we still have 885 residential
1338 units. There's a small decrease in commercial development of about 13,000 square
1339 feet. But overall, commercial development still continues to comprise approximately
1340 40.36% of the entire development, as opposed to what was previously proposed of
1341 40.69%. Given the size of this development, the variations are minimal, and staff
1342 recommends approval of the revisions to the Master Plan.

1343
1344 The next thing that we go to is what the developer has requested, and has provided in
1345 your master plan, the layout plan for Phase 3. The second page is in your packet.
1346 Obviously, it's upside down on the screen. It's basically the same thing. What we have
1347 is the Home Goods Store, the future bank, the REI Building, and the Thomasville
1348 Building. Staff requested revisions to this plan. Basically, what we requested was that
1349 they enclose the dumpster and service areas of these two buildings, the two larger
1350 buildings. They have complied with that. They've also made the development
1351 pedestrian-friendly by increasing pedestrian crossings throughout the development.
1352 This color elevation kind of gives you the feel of what it would look like once it's
1353 landscaped. There are these brick walks, which connect and make this interconnection,
1354 again, preserving that pedestrian feel through the development. These are big boxes,
1355 but the object is to integrate them into the development, and make this transition from
1356 Whole Foods and that commercial area, down to the hotel or office buildings. It actually
1357 makes this connection closer because of the parking and the orientation of this building.
1358 We feel very confident that it incorporates that pedestrian flavor we're trying to achieve
1359 in West Broad Village. So, staff recommends approval of the revised layout plan.

1360
1361 Now, we'll go to the elevation. The revisions for the Thomasville Building—let me see if I
1362 can get that. The revision for the Thomasville Store was a more defined, prominent
1363 entrance. Again, it has differentiation. The façade is very pedestrian. It's slightly
1364 different from the color elevations you have in your plans, but basically, it's a more

1365 prominent entrance. That's basically what they're requesting. Staff has no opposition to
1366 that. It's consistent with the design guidelines.

1367
1368 Unfortunately, this doesn't show very well on the plans. The Home Goods Store—
1369 they've come back with a revised plan. The original plan had a very flat elevation. They
1370 have now differentiated the façade. We also requested to differentiate the cornices. I'll
1371 scroll across the plan on the screen. It's better in your plan. It comes out better than it
1372 comes out here. Basically, what they're doing is they're varying the cornices across the
1373 building. There's more relief in the building and improvements to the cornices. Given
1374 that they've done those changes, staff can recommend approval of the Home Goods
1375 Store as well. We're recommending approval of those elevations.

1376
1377 Finally, we have the REI Building. That's a little bit different. Staff has been working
1378 with the developer and REI design staff, but we still find that the elevation is not in
1379 keeping with the design guidelines. They've submitted a more recent plan, but we're still
1380 not happy with it. This is the most recent one shown on the screen. This is facing Broad
1381 Street. The side is facing Broad as well. This is the loading area. This is the side
1382 facing the Thomasville Store. Basically, that's the main entrance. We just could not find
1383 that they were consistent with the design guidelines. We've recommended that they
1384 take a look back at the design guidelines. There is a copy of the design guidelines in
1385 the package. Clearly, it doesn't reflect any of this architecture that we have here. The
1386 design guidelines speak very specifically about pedestrian flavor and historic Richmond
1387 design. Clearly, this design is not compatible with what we're trying to achieve here.
1388 We've recommended that the developer take a look at the buildings that they have in
1389 Fairfax. Here's a Fairfax building. As you can see, that building just up the road is much
1390 more compatible with the design that we have. They also have a building existing in
1391 Raleigh. There's a Raleigh building. Those are both REI buildings. We show they're
1392 both more compatible. We've asked them to take a look at those two designs and try to
1393 incorporate those features into these buildings. Therefore, at this time, staff is
1394 recommending a deferral of the REI architecture.

1395
1396 To summarize, staff recommends approval POD-66-08 consisting of the revised Master
1397 Plan for West Broad Village, the revised layout plan for Phase 3 of West Broad Village,
1398 the architectural for Home Goods, and the architectural for Thomasville as annotated.
1399 Staff recommends a separate motion requesting deferral of the REI architectural until
1400 next month. If you have any questions, I'll be happy to answer them.

1401
1402 Mr. Archer - Mr. Kennedy, what did you say this one is?

1403
1404 Mr. Jernigan - Raleigh.

1405
1406 Mr. Archer - Okay.

1407
1408 Mr. Kennedy - So, clearly, they have the ability to do buildings that are
1409 compatible. These buildings are such a deep contrast. Staff worked, and we tried to
1410 come up with ideas to make it work. We could just not find a way to make it work.

1411
1412 Mr. Jernigan - Are there any questions for Mr. Kennedy from the
1413 Commission?
1414
1415 Mrs. Jones - I'd like to just ask, obviously the Raleigh design and the
1416 Northern Virginia design are very similar with a corner feature and the way in which it's
1417 laid out. What was the reason that you were given that they didn't want to do something
1418 similar here?
1419
1420 Mr. Kennedy - What they've indicated is that they don't do display windows
1421 because they don't support the marketing designs for display windows any more. They
1422 do a lot of internal marketing with climbing walls, and active features. Actually, one
1423 reason why the building is so high—the building's actually 40 feet high. This is a one-
1424 story building that's 40 feet tall, so it's very massive in scale. They also wanted to do—
1425 basically, they called this their flagship store design, which is their new and modern
1426 look. They're trying to look very modern and trendy.
1427
1428 Mrs. Jones - What we're looking at in our packet is the flagship design?
1429
1430 Mr. Kennedy - It's the flagship design. Actually, it didn't have any local
1431 elements whatsoever. We asked them to try to make it look like a two-story warehouse.
1432 We suggested several examples in the City of Richmond to take a look at. There are
1433 ways of making this building compatible, we just couldn't agree.
1434
1435 Mrs. Jones - Well, as we look at the information in the packet, obviously
1436 this just jumps out immediately as—what's the game of "which one of these doesn't
1437 belong"? Yes, I would strongly support revising the plans to reflect the design
1438 guidelines.
1439
1440 Mr. Jernigan - Where else is this flagship flying, other than around here?
1441
1442 Mr. Kennedy - I'm not sure. Basically, when we looked, we didn't see it any
1443 place locally. They have a lot of stores throughout the United States, we just didn't find
1444 any. Te examples we looked at were infill. They have a lot of infill stores, strip centers
1445 and things that match this strip center. We looked at these two designs nearby from
1446 Fairfax and Raleigh. We felt these are things that could fit.
1447
1448 Mr. Branin - For the benefit of the other Commissioners, in the market
1449 right now—and you guys have heard me say it before—with lots of small retail spaces,
1450 we've had other UMU's that have been proposed that actually haven't come up that
1451 were lots and lots of retail spaces. We tried to change them to some big boxes.
1452 Although it's not a perfect traditional UMU, because of the climate and how many small
1453 retail spaces we have, putting a box isn't a bad idea. With that, and this developer
1454 coming and asking if they could put boxes in, one of the conditions we discussed with
1455 them was yes, as long as architecturally it meets the standards, it blends. On the Home
1456 Goods, the first one they brought in was all EIFS with red canopies that came out—

1457 basically a shoebox—which we kicked out. I had many pleasant discussions with them
1458 in regards to it. Then with this one, they don't have grounds to really come in with what
1459 they have come in with, because what meets our architectural standards they have built
1460 in two other locations. There's a meeting on the 28th where we'll be sitting down with
1461 the REI people. Of course, the developer is claiming that he doesn't want to lose the
1462 tenant, which the response to that was that's not our problem. We have standards that
1463 you will live up to, period. So, we're holding their feet to the ground, and making sure
1464 they do what they need to do to produce a product that we as Commissioners can all be
1465 proud of. Those are my comments.

1466
1467 Mr. Jernigan - Any questions for Mr. Kennedy from the Commission?
1468 Thank you, Mr. Kennedy.

1469
1470 Mr. Kennedy - The engineer is here if you have any questions for him.

1471
1472 Mr. Jernigan - Mr. Branin, do you need to hear from the applicant?

1473
1474 Mr. Branin - No, because he's part of the sales team. I don't really need
1475 to talk to him about architecturals.

1476
1477 Mr. Jernigan - Okay. You have the floor.

1478
1479 Mr. Branin - I have a very complicated motion. I'd like to move for
1480 approval of POD-66-08, West Broad Village, Phase III (POD 42-06 Rev.), as presented
1481 by staff consisting of the revised Master Plan of West Broad Village, revised layout plan
1482 for Phase 3 of West Broad Village, and the revised elevations for the Thomasville and
1483 Home Goods building, subject to annotations on the plan, standard conditions for
1484 developments of this type, the conditions for POD-42-06 previously approved by the
1485 Planning Commission on April 25, 2007, and additional conditions numbers 62 through
1486 67 on the agenda.

1487
1488 Mr. Vanarsdall - Second.

1489
1490 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
1491 favor say aye. All opposed say no. The ayes have it; the motion passes.

1492
1493 The Planning Commission approved POD-66-08, West Broad Village, Phase III (POD
1494 42-06 Rev.) consisting of the revised Master Plan of West Broad Village, revised layout
1495 plan for Phase 3 of West Broad Village, and the revised elevations for the Thomasville
1496 and Home Goods buildings, in addition to the annotations on the plans and the
1497 conditions for POD-42-06 previously approved by the Planning Commission at its April
1498 25, 2007 meeting, and the following additional conditions:

1499
1500 62. In order to maintain the effectiveness of the County's public safety radio
1501 communications system within buildings, the owner will install radio equipment
1502 that will allow for adequate radio coverage within the building, unless waived by

1503 the Director of Planning. Compliance with the County's emergency
1504 communication system shall be certified to the County by a communications
1505 consultant within ninety (90) days of obtaining a certificate of occupancy. The
1506 County will be permitted to perform communications testing in the building at
1507 anytime.

- 1508 63. All subsequent detailed plans of development needed to implement this
1509 conceptual plan shall be submitted for staff review and Planning Commission
1510 approval and shall be subject to all regulations in effect at the time such
1511 subsequent plans are submitted for review/ approval.
1512 64. A revised UMU master plan along with corresponding calculations reflecting the
1513 revised layout of Block H shall be submitted for review and approval by the
1514 Director of Planning prior to approval of final construction plans.
1515 65. Any dumpster in Block H located within 100 feet of a townhouse property shall be
1516 located within a completely enclosed structure.
1517 66. Dumpsters and loading areas shall be screened from adjoining streets and
1518 properties.
1519 67. The BMP located on the south side of West Broad Street (US Route250) east of
1520 Brook River Drive shall be eliminated prior to the approval of final Certificate of
1521 Occupancy for any building located east of Fish Pond Lane and north of Old
1522 Brick Road.

1523
1524 Mr. Branin - I'd like to make another motion.

1525
1526 Mr. Jernigan - Go right ahead.

1527
1528 Mr. Branin - I move for the deferral of the REI Building elevations at the
1529 Commission's request until the Planning Commission meeting on November 19, 2008,
1530 to give the developer an opportunity to sit down with staff and myself to revise the plan
1531 to the needs of the County, and the needs of the guidelines of this development.

1532
1533 Mr. Archer - Second.

1534
1535 Mr. Jernigan - Staff's request.

1536
1537 Mr. Branin - Staff's request.

1538
1539 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Archer. All in favor
1540 say aye. All opposed say no. The ayes have it; the motion passes.

1541
1542 At the request of Planning staff, the Planning Commission deferred the REI Building
1543 elevations only on POD-66-08, West Broad Village, Phase III (POD 42-06 Rev.), to its
1544 November 19, 2008 meeting.

1545
1546 Mr. Jernigan - Thank you, Mr. Kennedy.

1547

1548 Mr. O'Kelly - Mr. Chairman, the next item on your agenda on page 24 is
1549 approval of the September 24, 2008 minutes.

1550
1551 APPROVAL OF MINUTES: September 24, 2008

1552
1553 Mr. Jernigan - Are there any corrections to the September 24, 2008
1554 minutes?

1555
1556 Mrs. Jones - I have a few quick ones, please. I'm not sure, but Mr.
1557 Jernigan, you can clarify this. On page 17, line 563, where you were talking about
1558 remembering that Newstead was the one that was off Osbourne where they had to pull
1559 media out of the James River.

1560
1561 Mr. Jernigan - Mmm-hmm.

1562
1563 Mrs. Jones - Okay. I just wanted to make sure those were the words you
1564 wanted to use. Page 20, line 700, the word is "swap," not "swamp." Page 21, line 724.
1565 "Line of sight," as opposed to "light of sight." Page 23, line 835, it's "talking," as
1566 opposed to "talk." Just trying to make myself sound like I made some sense, or Ms.
1567 Patterson did. Page 29, line 1073. The second sentence is, "I'm looking at this."
1568 There's an extra "i" in there. Those are my corrections.

1569
1570 Mr. Jernigan - Okay. Are there any other corrections to the minutes? Do we
1571 have a motion to approve?

1572
1573 Mrs. Jones - So moved.

1574
1575 Mr. Archer - Second.

1576
1577 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Archer. All in favor
1578 say aye. All opposed say no. The ayes have it; the motion passes.

1579
1580 The Planning Commission approved the September 24, 2008 minutes as corrected.

1581
1582 Mr. Vanarsdall was absent from the room during the approval of the September 24,
1583 2008 minutes.

1584
1585 Mrs. Jones - Mr. Chairman, may I just ask for a clarification? Is this the
1586 last meeting that we will have in the Board Room, or do we have our Zoning meeting in
1587 the Board Room coming up next month?

1588
1589 Mr. O'Kelly - The Zoning meeting is on November 13th. That will be in this
1590 room.

1591
1592 Mrs. Jones - That will be here. Okay. So, the next meeting that we're not
1593 here is the POD meeting for November.

1594
1595 Mr. O'Kelly - That's correct.
1596
1597 Mrs. Jones - All right, thank you.
1598
1599 Mr. O'Kelly - I would suggest that those in the West End leave early
1600 because 64 and 95 are parking lots at that time of the morning.
1601
1602 Mr. Archer - You will also get to see how those of us in the East End
1603 have to contend with that when we come up here.
1604
1605 Mrs. Jones - How can we have traffic problems in Henrico County?
1606
1607 Mr. Glover - Everybody wants to come to the West End where you don't
1608 have any congestion.
1609
1610 Mr. Branin - Actually, Mrs. Jones, it's a false perception. We actually
1611 don't have traffic problems anywhere in the County.
1612
1613 Mrs. Jones - That's what I thought.
1614
1615 Mr. Jernigan - If there is no other business, then the meeting is adjourned.
1616
1617 The meeting is adjourned.
1618
1619
1620
1621
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1623

E. Ray Jernigan, Chairperson
1624
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1626
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1629
1630

David D. O'Kelly, Acting Secretary
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1632
1633
1634