

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, September  
4 26, 2007.

5  
6

Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
Mrs. Bonnie-Leigh Jones (Tuckahoe)  
Mr. Frank Thornton (Fairfield)  
Board of Supervisors Representative  
Mr. Randall R. Silber, Director of Planning, Secretary

Members Absent: Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning  
Ms. Leslie A. News, CLA, Principal Planner  
Mr. James P. Strauss, CLA, County 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  
Ms. Aimee Berndt, County Planner  
Mr. Jonathan W. Steele, G.I.S. Manager  
Mr. Michael Jennings, Traffic Engineer  
Ms. Diana B. Carver, Recording Secretary  
Ann B. Cleary, Office Assistant

7

8 **Mr. Frank J. Thornton, the Board of Supervisors representative, abstains from**  
9 **voting on all cases unless otherwise noted.**

10

11 Mr. Branin - Good morning and welcome to the September 26, 2007  
12 Planning Commission meeting for Subdivisions and Plans of Development for Henrico  
13 County. We don't have any press in the room that I see. We'd like to welcome, as  
14 always, from the Board of Supervisors, Frank Thornton, who we're blessed to have with  
15 us this year. We have a special guest that I'd like a minute to introduce before we get  
16 started. In the back of the room, Ed, if you'd stand up. Yes, you have to. I'm going to  
17 make you do it. This is Edwin W. Smith. He's our new fire chief. He's worked for 33  
18 years for the Division of Fire for Henrico County. He has a bachelor degree from  
19 University of Richmond. He will be helping us out. He's very important to this  
20 Commission because on most of our projects, there's always comments that we pay

21 close attention to from the Department of Fire. So, if everybody would welcome our  
22 new fire chief.

23  
24 Mr. Smith - [Mr. Ed Smith is off mike.]

25  
26 Mr. Branin - Thank you, Chief. Mr. Secretary, I'm going to turn it over to  
27 you.

28  
29 Mr. Silber - Yes, sir. Thank you, Mr. Chairman. We do have one  
30 Planning Commission member absent today, Ray Jernigan, who has had some  
31 medication situation that has caused him not to be here today. But otherwise, we have  
32 a quorum and can conduct business. First on the agenda today would be consideration  
33 of deferrals and withdrawals and we have a number of those, at least of deferrals we  
34 do. Ms. News.

35  
36 Ms. News - Good morning Mr. Chairman, Members of the Commission.

37  
38 Mr. Vanarsdall - Good morning, Ms. News.

39  
40 Ms. News - We have seven deferrals and withdrawals on our agenda  
41 this morning. The first item is found on page 3 of your agenda and is located in the  
42 Fairfield District. This is Transfer of Approval for POD-52-03, Virginia Center Station.  
43 The applicant is requesting a deferral to the October 24, 2007 meeting.

44  
45 **TRANSFER OF APPROVAL** (*Deferred from the July 25, 2007 Meeting*)

46  
TOA **Jeffrey Meyer for Kim Won Kim and Boo Ok Kim (The**  
POD-52-03 **Kims):** Request for transfer of approval as required by  
Virginia Center Station – Chapter 24, Section 24-106 of the Henrico County Code  
Kim Property – Brook Road from Virginia Center Inc. and VC Silver, LLC to Kim Wan  
Kim and Boo Ok Kim. The 2.439-acre site contains  
Building B and is a portion of the overall 7.324 acre site.  
It is located at the northeast corner of Brook Road (U.S.  
Route 1) and Virginia Center Parkway on parcel 784-768-  
2228. The zoning is M-1, Light Industrial District. County  
water and sewer. **(Fairfield)**

47  
48 Mr. Branin - Is anyone in opposition to the deferral of TOA POD-52-03,  
49 Virginia Center Station? No one?

50  
51 Mr. Archer - Mr. Chairman, I move deferral of this Transfer of Approval,  
52 POD-52-03, Virginia Center Station, to the October 24, 2007 meeting, at the applicant's  
53 request.

54  
55 Mr. Vanarsdall - Second.

56

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

59  
60 At the request of the applicant, the Planning Commission deferred TOA POD-52-03,  
61 Virginia Center Station, Kim Property, to its October 24, 2007 meeting.

62  
63 Ms. News - The next item is found on page 4 of your agenda and is located in the  
64 Three Chopt District. It is Transfer of Approval POD-65-95, Julian's Restaurant. The  
65 applicant is requesting a deferral to the October 24, 2007 meeting.

66  
67 **TRANSFER OF APPROVAL**

68  
69  
70 **POD-65-95 (part) Hirschler Fleischer for Clarendon Associates, L.L.C.:**  
71 Julian's Restaurant – Request for transfer of approval as required by Chapter  
72 11129 Church Road DBD, LLC to Clarendon Associates, L.L.C. The 1.004-  
73 acre site is located on the southwestern line of Three  
74 Chopt Road, approximately 275 feet northwest of Church  
75 Road on parcel 746-757-5593. The zoning is B-2C,  
76 Business District (Conditional). County water and sewer.  
77 **(Three Chopt)**

69  
70 Mr. Branin - Is anyone in opposition to the deferral of TOA POD-65-95,  
71 Julian's Restaurant? No one? Then I would like to move that Transfer of Approval,  
72 POD-65-95, Julian's Restaurant, be deferred to the October 24, 2007 meeting, per the  
73 applicant' request.

74  
75 Mrs. Jones - Second.

76  
77 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones. All in  
78 favor say aye. All opposed say no. The ayes have it; the motion carries.

79  
80 At the request of the applicant, the Planning Commission deferred Transfer of Approval  
81 POD-65-95, Julian's Restaurant to its October 24, 2007 meeting.

82  
83 Ms. News - Next on page 10 of your agenda, and located in the Three  
84 Chopt District is Transfer of Approval POD-17-89, Southern Health Management  
85 Corporation. The applicant is requesting a deferral to the October 24, 2007 meeting.

86

87 **TRANSFER OF APPROVAL**

88  
POD-17-89  
Southern Health  
Management Corporation  
(formerly Control Data  
Building)

**Chuck Richardson for Southern Health Management Corporation:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Rowe Development to Southern Health Management Corporation. The 2.699-acre site is located on the southwest corner of Mayland Drive and Mayland Court on parcel 752-757-8975. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Three Chopt)**

89  
90 Mr. Branin - Is anyone in opposition to the deferral of Transfer of  
91 Approval POD-17-89, Southern Health Management Corporation? No one? Then I  
92 would like to move that Transfer of Approval POD-17-89, Southern Health Management  
93 Corporation, be deferred to the October 24, 2007 meeting, per the applicant's request.

94  
95 Mrs. Jones - Second.

96  
97 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones. All in  
98 favor say aye. All opposed say no. The ayes have it; the motion carries.

99  
100 At the request of the applicant, the Planning Commission deferred Transfer of Approval  
101 POD-17-89, Southern Health Management Corporation, to its October 24, 2007  
102 meeting.

103  
104 Ms. News - The next item on page 13 of your agenda and located in the  
105 Three Chopt District, and was added recently. This is a landscape plan, LP/SUB 15-06,  
106 Mason Park. The applicant is requesting a deferral to the October 24, 2007 meeting.

107  
108 **SUBDIVISION LANDSCAPE PLAN**

109  
SUB-15-06  
Mason Park Subdivision  
Shady Grove Road

**Jeff McKay for Centex Homes:** Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 29.32-acre site is located on the north side of Shady Grove Road approximately 1,600 feet west of Twin Hickory Road on parcel 740-770-0883 and 5728. The zoning is R-2AC, One-Family Residence District (Conditional). **(Three Chopt)**

110  
111 Mr. Branin - Is anyone in opposition to the deferral of SUB-15-06, Mason  
112 Park Subdivision? No one? Then I would like to move that the landscape plan for SUB-  
113 15-06, Mason Park Subdivision, be deferred to the October 24, 2007 meeting, per the  
114 applicant's request.

115

116 Mr. Vanarsdall - Second.

117

118 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All  
119 in favor say aye. All opposed say no. The ayes have it; the motion carries.

120

121 At the request of the applicant, the Planning Commission deferred the landscape plan  
122 for SUB-15-06, Mason Park Subdivision to its October 24, 2007 meeting.

123

124 Ms. News - Next on page 27 of your agenda, and located in the Three  
125 Chopt District, is POD-41-07, formerly POD-57-86 Revised, Pouncey Place, Phase 1.  
126 The applicant is requesting a deferral to the October 24, 2007 meeting.

127

128 **PLAN OF DEVELOPMENT (*Deferred from the July 25, 2007 Meeting*)**

129

POD-41-07 Pouncey Place, Phase 1 – Twin Hickory Lake Drive and Pouncey Tract Road (POD-57-86 Revised)	Bay Design Group, P.C. for Pouncey Place, LLC: Request for approval of a plan of development as required by Chapter 24, Section 24-107 of the Henrico County Code, to construct a shopping center with two one-story buildings for a total of 27,630 square feet. The 5.25-acre site is part of a 10.10 acre parcel and is located on the southeast corner of Pouncey Tract Road (State Route 271) and Twin Hickory Lake Drive on part of parcel 740-765-2150. The zoning is B-2C, Business District (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. (Three Chopt)
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130

131 Mr. Branin - Is anyone in opposition to the deferral of POD-41-07,  
132 Pouncey Place, Phase 1 (POD-57-86 Revised)? No one? Then I would like to move  
133 that POD-41-07, Pouncey Place, Phase 1 (POD-57-86 Revised), be deferred to the  
134 October 24, 2007 meeting, per the applicant's request.

135

136 Mrs. Jones - Second.

137

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

140

141 At the request of the applicant, the Planning Commission deferred POD-41-07, Pouncey  
142 Place, Phase 1 (POD-57-86 Revised) to its October 24, 2007 meeting.

143

144 Ms. News - The next items is on page 33 of your agenda and is located  
145 in the Three Chopt District. This is POD-53-07 (POD-59-97 Revised), Home Depot at  
146 Brookhollow. There are two aspects to this plan. There is a garden center expansion,  
147 which is being deferred today. The second aspect for outdoor display will be seen later  
148 on the Expedited Agenda. There is an addendum item on page 4, which clarifies that  
149 this deferral is for the garden center expansion at the rear of the building only, and the  
150 outdoor storage. Staff can recommend deferral.

151 **PLAN OF DEVELOPMENT**

152

POD-53-07 **McKinney & Company for Home Depot USA Inc.:**  
Home Depot @ Request for approval of a plan of development, as  
Brookhollow Garden Center Expansion – required by Chapter 24, Section 24-106 of the Henrico  
W. Broad Street and I-64 garden center display areas for an existing building. The  
(POD-51-97 Revised) 7.95-acre site is located at 11260 W. Broad Street on  
parcel 742-762-4307 in the Brookhollow Shopping  
Center. The zoning is M-1C, Light Industrial District  
(Conditional). County water and sewer. **(Three Chopt)**

153

154 Mr. Branin - Is anyone in opposition to the deferral of POD-53-07, Home  
155 Depot @ Brookhollow Garden Center Expansion? None? That's deferred to the 24<sup>th</sup> as  
156 well?

157

158 Ms. News - Yes sir.

159

160 Mr. Branin - Okay, thank you.

161

162 Ms. News - No, I'm sorry. This is deferred until November 14<sup>th</sup>.

163

164 Mr. Branin - November 14<sup>th</sup>? Okay. I would like to move that POD-53-  
165 07, Home Depot @ Brookhollow Garden Center Expansion (POD-51-97 Revised), only  
166 the garden center storage in the rear of Home Depot, be deferred to the November 14,  
167 2007 meeting, per the applicant's request.

168

169 Mr. Vanarsdall - Second.

170

171 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All  
172 in favor say aye. All opposed say no. The ayes have it; the motion carries.

173

174 At the request of the applicant, the Planning Commission deferred POD-53-07, Home  
175 Depot @ Brookhollow Garden Center Expansion (POD-51-97 Revised) to its November  
176 14, 2007 meeting.

177

178 Ms. News - The final item is on page 38 of your agenda and located in  
179 the Varina District. This is POD-34-06 or POD-83-97 Revised, Gillies Creek Recycling,  
180 the Office Area. The applicant has requested the deferral to the December 12, 2007,  
181 meeting.

182

183



220 **TRANSFER OF APPROVAL**

221  
POD-69-81 **Hirschler Fleischer for Atack Properties, Inc.:** Request  
First Capital Building – for a transfer of approval as required by Chapter 24,  
4222 Cox Road - Innsbrook Section 24-106 of the Henrico County Code from CUNA  
Mutual Life Insurance Company to KCA/FC, LLC. The  
5.749-acre site is located along the west line of Cox road  
at the intersection with Innslake Drive, approximately  
1,600 feet north of W. Broad Street (U.S. Route 250) on  
parcel 748-762-8360. The zoning is R-6C, General  
Residence District and C-1, Conservation District. County  
water and sewer. **(Three Chopt)**

222  
223 Mr. Branin - Is anyone in opposition to transfer of approval POD-69-81,  
224 First Capital Building. No one? Then I would like to move that transfer of approval  
225 POD-69-81, First Capital Building, be approved on the expedited agenda.  
226

227 Mrs. Jones - Second.  
228

229 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones. All in  
230 favor say aye. All opposed say no. The ayes have it; the motion carries.  
231

232 The Planning Commission approved the transfer of approval request for POD-69-81,  
233 First Capital Building, subject to the standard and added conditions previously approved  
234 for developments of this type from CUNA Mutual Life Insurance Company to KCA/FC,  
235 LLC.  
236

237 Ms. News - The next item is on page 6 of your agenda and located in the  
238 Three Chopt District. This is transfer of approval POD-54-93, Outback Steakhouse.  
239 Staff recommends approval.  
240

241 **TRANSFER OF APPROVAL (*Deferred from the July 25, 2007 Meeting*)**

242  
POD-54-93 **Jamie Butler for Private Restaurant Properties, LLC:**  
Outback Steakhouse – Request for transfer of approval as required by Chapter  
7919 W. Broad Street 24, Section 24-106 of the Henrico County Code from  
Young Walter H. III and Etal and Outback Steakhouse of  
Florida to Private Restaurant Properties, LLC. The 2.09-  
acre site is located on the south side of W. Broad Street  
(U.S. Route 250), approximately 640 feet west of  
Hungary Spring Road, on parcel 764-751-1479. The  
zoning is B-3, Business District. County water and sewer.  
**(Three Chopt)**

243



244 Mr. Branin - Is anyone in opposition to this transfer of approval POD-54-  
245 93, Outback Steakhouse? No one? Then I would like to move that transfer of approval  
246 POD-54-93, Outback Steakhouse, be approved on the expedited agenda.

247  
248 Mr. Vanarsdall - Second.

249  
250 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All  
251 in favor say aye. All opposed say no. The ayes have it; the motion carries.

252  
253 The Planning Commission approved the transfer of approval request for POD-54-93,  
254 Outback Steakhouse, subject to the standard and added conditions previously approved  
255 for developments of this type from Young Walter H. III and Etal and Outback Steakhouse of  
256 Florida to Private Restaurant Properties, LLC and the following additional condition:

257 :

258  
259 1. The site deficiencies, as identified in the inspection report, dated July 3, 2007,  
260 shall be corrected by December 1, 2007.

261  
262 Ms. News - Next on page 7 of your agenda and located in the Tuckahoe  
263 District is a transfer of approval for POD-74-86, Ginter Hall West. Staff recommends  
264 approval.

265  
266 **TRANSFER OF APPROVAL**

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279  
POD-74-86  
Ginter Hall West –  
12411 Gayton Road  
**Jordan Socaransky for Lynmoore One Real Estate,  
LLC:** Request for transfer of approval as required by  
Chapter 24, Section 24-106 of the Henrico County Code  
from Conotti Corporation to Lynmoore One Real Estate,  
LLC. The 5.022-acre site is located on the east line of  
Gayton Road, approximately 200 feet south of Ridgefield  
Parkway on parcel 732-751-7846. The zoning is R-5,  
General Residence District. County water and sewer.  
**(Tuckahoe)**

268  
269 Mr. Branin - Is anyone in opposition to transfer of approval POD-74-86,  
270 Ginter Hall West? No one?

271  
272 Mrs. Jones - I move approval of the transfer of approval for POD-74-86,  
273 Ginter Hall West, with the following condition 1.

274  
275 Mr. Vanarsdall - Second.

276  
277 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr. Vanarsdall.  
278 All in favor say aye. All opposed say no. The ayes have it; the motion carries.

280 The Planning Commission approved the transfer of approval for POD-74-86, Ginter Hall  
281 West, subject to the standard and added conditions previously approved for  
282 developments of this type from Conotti Corporation to Lynmoore One Real Estate, LLC  
283 and the following additional condition:

284  
285 1. Site deficiencies, as identified in the inspection report, dated ~~July 12, 2007~~  
286 **August 7, 2007** shall be corrected by **October 31, 2007**.

287  
288 Ms. News - Next on page 8 of your agenda, and located in the Fairfield  
289 District, is transfer of approval POD-129-88, Brook Run Shopping Center. Staff can  
290 recommend approval.

291  
292 **TRANSFER OF APPROVAL**  
293

POD-129-88 **Sacks Law Group, P.C. for Cedar-Brook Run, LLC:**  
Brook Run Shopping Center Request for a partial transfer of approval as required by  
Chapter 24, Section 24-106 of the Henrico County Code  
from Brook Run Associates, LLC to Cedar-Brook Run,  
LLC. The 19.6-acre portion of the 20.114-acre site is  
located on the west line of Brook Road (U.S. Route 1)  
north of Brook Run Drive (private) at 5640 -5750 Brook  
Road on part of parcel 784-747-5128. The zoning is B-  
3C, Business District. County water and sewer.  
**(Fairfield)**

294  
295 Mr. Branin - Is anyone in opposition to the transfer of approval POD-129-  
296 88, Brook Run Shopping Center? No one? Mr. Archer?

297  
298 Mr. Archer - Mr. Chairman, I move approval of transfer of approval POD-  
299 129-88, Brook Run Shopping Center, subject to the new owners being compliant with  
300 the conditions of the original approval and staff's recommendation.

301  
302 Mr. Vanarsdall - Second.

303  
304 Mr. Branin - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All  
305 in favor say aye. All opposed say no. The ayes have it; the motion carries.

306  
307 The Planning Commission approved the transfer of approval for POD-129-88, Brook Run  
308 Shopping Center, subject to the standard and added conditions previously approved for  
309 developments of this type from Brook Run Associates, LLC to Cedar-Brook Run, LLC.

310  
311 Ms. News - Next on page 11 of your agenda, and located in the  
312 Brookland District, is a landscape and lighting plan, LP/POD-15-97 for McDonald's at  
313 Staples Mill Road. Staff can recommend approval.

314

315 **LANDSCAPE & LIGHTING PLAN**

316

LP/POD-15-07 **Carter Design for Franchise Realty Interstate**  
McDonald's @ Staples Mill **Corporation:** Request for approval of a landscape and  
Road and Bremner lighting plan, as required by Chapter 24, Sections 24-106  
Boulevard and 24-106.2 of the Henrico County Code. The 1.19-acre  
site is located at the southeast corner of the intersection  
of Staples Mill Road (U.S. Route 33) and Bremner  
Boulevard on parcel 772-750-9430. The zoning is B-2,  
Business District. **(Brookland)**

317

318 Mr. Branin - Is anyone in opposition to the landscape and lighting plan  
319 LP/POD-15-07, McDonald's? No one?

320

321 Mr. Vanarsdall - I move for approval of LP/POD-15-07, McDonald's, with  
322 annotations on the plans, and standard conditions for landscape and lighting plans.

323

324 Mrs. Jones - Second.

325

326 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mrs. Jones. All  
327 in favor say aye. All opposed say no. The ayes have it; the motion carries.

328

329 The Planning Commission approved the landscape and lighting plan for LP/POD-15-07,  
330 McDonald's, subject to the standard conditions attached to these minutes for landscape  
331 and lighting plans.

332

333 Ms. News - The next item is on page 12 of your agenda, and located in  
334 the Three Chopt District. This is a landscape and lighting plan, LP/POD-31-06, Short  
335 Pump Station. Staff recommends approval.

336

337 **LANDSCAPE & LIGHTING PLAN**

338

LP/POD-31-06 **Higgins & Gerstenmaier for Short Pump Station, LLC:**  
Short Pump Station – Request for approval of a landscape and lighting plan, as  
W. Broad Street required by Chapter 24, Sections 24-106 and 24-106.2 of  
the Henrico County Code. The 11.70-acre site is located  
at the southeast corner of W. Broad Street (U.S. Route  
250) and John Rolfe Parkway (future) on parcel 741-761-  
3418. The zoning is B-2C, Business District (Conditional)  
and WBSO, West Broad Street Overlay District. **(Three  
Chopt)**

339

340 Mr. Branin - Is anyone in opposition to LP/POD-31-06, Short Pump  
341 Station? No one? Then I would like to move that LP/POD-31-06 Short Pump Station,  
342 be approved on the expedited agenda with annotations on the plans and standard  
343 conditions for landscaping and lighting plans.

344 Mrs. Jones - Second.

345  
346 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones. All in  
347 favor say aye. All opposed say no. The ayes have it; the motion carries.

348  
349 The Planning Commission approved the landscape and lighting plan for LP/POD-31-06,  
350 Short Pump Station, subject to the standard conditions attached to these minutes for  
351 landscape and lighting plans.

352  
353 Ms. News - Next on page 14 of your agenda, and located in the Fairfield  
354 District, is a landscape plan, LP/POD-59-05, Brown Distributing Facility. Staff  
355 recommends approval.

356  
357 **LANDSCAPE PLAN**

358  
LP/POD-59-05 **William Barnes for Brown Distributing Company, Inc.**  
Brown Distributing Facility Request for approval of a landscape plan, as required by  
Chapter 24, Sections 24-106 and 24-106.2 of the Henrico  
County Code. The 18.79-acre site is located along the  
western line of Villa Park Drive, approximately 2,500 feet  
southwest of the intersection of Villa Park Drive and  
Parham Road on parcels 781-754-0930 and 781-753-  
5583. The zoning is O/S-2C, Office District (Conditional).  
**(Fairfield)**

359  
360 Mr. Branin - Is anyone in opposition to LP/POD-59-05, Brown Distributing  
361 Facility? No one?

362  
363 Mr. Archer - Mr. Chairman, I approval of LP/POD-59-05, Brown  
364 Distributing Facility, on the expedited agenda, subject to the annotations on the plans  
365 and standard conditions for landscape plans.

366  
367 Mr. Vanarsdall - Second.

368  
369 Mr. Branin - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All  
370 in favor say aye. All opposed say no. The ayes have it; the motion carries.

371  
372 The Planning Commission approved the landscape plan for LP/POD-59-05, Brown  
373 Distributing Facility, subject to the standard conditions attached to these minutes for  
374 landscape plans.

375  
376 Ms. News - The next item is on page 15 of your agenda and located in  
377 the Brookland District. This is a landscape and lighting plan for LP/POD-47-06. This is  
378 a CVS at Willow Lawn Center. There is an addendum item on page 1 of your  
379 addendum, which indicates that the landscape plan has been revised to revise the  
380 species for the proposed street trees, as well as add trees in some additional locations,

381 and add more of a continuous low evergreen hedge around portions of the parking lot.  
382 Staff can recommend approval of the revised plan that's in your addendum.  
383

384 **LANDSCAPE & LIGHTING PLAN**  
385

LP/POD-47-06                      **Kimley Horn for The Rebkee Company:** Request for  
CVS -Willow Lawn Center approval of a landscape and lighting plan, as required by  
Chapter 24, Sections 24-106 and 24-106.2 of the Henrico  
County Code. The 3.44-acre site is located at the  
northwest corner of the intersection of W. Broad Street  
(U. S. Route 250) and Willow Lawn Drive on parcel 773-  
737-3077. The zoning is B-2, Business District.  
**(Brookland)**

386  
387 Mr. Branin -                      Is anyone in opposition to LP/POD-47-06, CVS-Willow Lawn  
388 Center? No one?  
389

390 Mr. Vanarsdall -                      I move LP/POD-47-06, CVS-Willow Lawn Center, be  
391 approved with annotations on the plans, standard conditions for landscape and lighting  
392 plans, and the revised plan on the addendum.  
393

394 Mr. Archer -                      Second.  
395

396 Mr. Branin -                      Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in  
397 favor say aye. All opposed say no. The ayes have it; the motion carries.  
398

399 The Planning Commission approved the landscape and lighting plan for LP/POD-47-06,  
400 CVS-Willow Lawn Center, subject to the standard conditions attached to these minutes  
401 for landscape and lighting plans.  
402

403 Ms. News -                      Next on page 25 of your agenda, and located in the Varina  
404 District, is POD-63-07, Varina Daycare. There is an addendum item on page 3 of your  
405 addendum, which indicates that staff has received revised architectural plans. These  
406 plans are included in your addendum packet and address staff's concerns about the  
407 building architecture. Also included is a plan addressing the provision of sidewalk and  
408 right-of-way dedication on Route 5. Staff can recommend approval.  
409

410 **PLAN OF DEVELOPMENT**

411

POD-63-07 **Balzer & Associates, Inc. for Bradley Limited #40 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, 7,700 square foot daycare building. The 1.199-acre site is located on the north line of New Market Road (State Route 5) approximately 350 feet west of Strath Road on parcel 816-687-0470. The zoning is B-1, Business District. County water and sewer. **(Varina)**

412

413 Mr. Branin - Is anyone in opposition to POD-63-07, Varina Daycare? No  
414 one?

415

416 Mr. Vanarsdall - I move POD-63-07, Varina Daycare, be approved with  
417 annotations on the plans, standard conditions for developments of this type, and the  
418 conditions 24 through 37.

419

420 Mr. Silber - Before the Commission acts on this, I understand there was  
421 someone here that had some concerns with this POD that spoke to the Commissioner  
422 earlier, and had suggested that this might come off of the expedited agenda. If their  
423 concern has been addressed, the Commission can take action now.

424

425 Ms. Berndt - Their concerns have been addressed and they have gone  
426 home. They are very happy.

427

428 Mr. Silber - Okay.

429

430 Mr. Vanarsdall - Thank you for making them happy. Whatever you told them,  
431 thank you.

432

433 Mr. Branin - Okay. Can I get a second for Mr. Vanarsdall's motion?

434

435 Mr. Archer - Second.

436

437 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr. Archer. All  
438 in favor say aye. All opposed say no. The ayes have it; the motion carries.

439

440 The Planning Commission approved POD-63-07, Varina Daycare, subject to the  
441 annotations on the plans, the standard conditions attached to these minutes for  
442 developments of this type, and the following additional conditions:

443

444 24. The right-of-way for widening of New Market Road (State Route 5) as shown on  
445 approved plans shall be dedicated to the County prior to any occupancy permits  
446 being issued. The right-of-way dedication plat and any other required information

- 447 shall be submitted to the County Real Property Agent at least sixty (60) days  
448 prior to requesting occupancy permits.
- 449 25. The easements for drainage and utilities as shown on approved plans shall be  
450 granted to the County in a form acceptable to the County Attorney prior to any  
451 occupancy permits being issued. The easement plats and any other required  
452 information shall be submitted to the County Real Property Agent at least sixty  
453 (60) days prior to requesting occupancy permits.
- 454 26. The entrances and drainage facilities on New Market Road (State Route 5) shall  
455 be approved by the Virginia Department of Transportation and the County.
- 456 27. A notice of completion form, certifying that the requirements of the Virginia  
457 Department of Transportation entrances permit have been completed, shall be  
458 submitted to the Department of Planning prior to any occupancy permits being  
459 issued.
- 460 28. The developer shall provide fire hydrants as required by the Department of Public  
461 Utilities and Division of Fire.
- 462 29. A concrete sidewalk meeting County standards shall be provided along New  
463 Market Road (State Route 5).
- 464 30. Outside storage shall not be permitted.
- 465 31. The certification of building permits, occupancy permits and change of  
466 occupancy permits for individual units shall be based on the number of parking  
467 spaces required for the proposed uses and the amount of parking available  
468 according to approved plans.
- 469 32. Any necessary off-site drainage and/or water and sewer easements must be  
470 obtained in a form acceptable to the County Attorney prior to final approval of the  
471 construction plans.
- 472 33. Deviations from County standards for pavement, curb or curb and gutter design  
473 shall be approved by the County Engineer prior to final approval of the  
474 construction plans by the Department of Public Works.
- 475 34. Insurance Services Office (ISO) calculations must be included with the plans and  
476 contracts and must be approved by the Department of Public Utilities prior to the  
477 issuance of a building permit.
- 478 35. Approval of the construction plans by the Department of Public Works does not  
479 establish the curb and gutter elevations along the Virginia Department of  
480 Transportation maintained right-of-way. The elevations will be set by the  
481 contractor and approved by the Virginia Department of Transportation.
- 482 36. The location of all existing and proposed utility and mechanical equipment  
483 (including HVAC units, electric meters, junction and accessory boxes,  
484 transformers, and generators) shall be identified on the landscape plans. All  
485 equipment shall be screened by such measures as determined appropriate by  
486 the Director of Planning or the Planning Commission at the time of plan approval.
- 487 37. Except for junction boxes, meters, and existing overhead utility lines, and for  
488 technical or environmental reasons, all utility lines shall be underground.
- 489

490 Ms. News - The next item is on page 31 of your agenda and located in  
491 the Fairfield District. This POD-58-07, Dillyn Place. Staff recommends approval.

492 **PLAN OF DEVELOPMENT**

POD-58-07  
Dillyn Place

**Bay Design Group, P.C. for Edgar T. Hicks, III and Barrington Investment, Ltd.:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 54, zero lot line single-family residential homes. The 19.98-acre site is located on the west line of Barrington Road, approximately 450 feet south of the intersection of Dill Road and Barrington Road, on part of parcel 799-732-4991. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. **(Fairfield)**

495 Mr. Branin -  
496 one?

Is anyone in opposition to POD-58-07, Dillyn Place? No

498 Mr. Vanarsdall -

I move POD-58-07, Dillyn Place, be approved with annotations on the plans, standard conditions for developments of this type, and the following conditions 24 through 39.

502 Mr. Archer -

I second.

504 Mr. Branin -

Motion made by Mr. Vanarsdall, seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the motion carries.

507 The Planning Commission approved POD-58-07, Dillyn Place, subject to the  
508 annotations on the plans, the standard conditions attached to these minutes for  
509 developments of this type, and the following additional conditions:

511 24. The subdivision plat for Dillyn Place shall be recorded before any building permits  
512 are issued.

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

518 26. The limits and elevations of the 100-year frequency flood shall be conspicuously  
519 noted on the plan "Limits of 100 Year Floodplain." In addition, the delineated  
520 100-year floodplain must be labeled "Variable Width Drainage and Utility  
521 Easement." The easement shall be granted to the County prior to the issuance of  
522 any occupancy permits.

523 27. The developer shall provide fire hydrants as required by the Department of Public  
524 Utilities and Division of Fire. 28. Outside storage shall not be permitted.

525 ~~29~~ 28. The proffers approved as a part of zoning case C-65C-06 shall be incorporated in  
526 this approval.



- 527 29. Any necessary off-site drainage and/or water and sewer easements must be  
528 obtained in a form acceptable to the County Attorney prior to final approval of the  
529 construction plans.
- 530 30. Deviations from County standards for pavement, curb or curb and gutter design  
531 shall be approved by the County Engineer prior to final approval of the  
532 construction plans by the Department of Public Works.
- 533 31. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
534 drainage plans.
- 535 32. Approval of the construction plans by the Department of Public Works does not  
536 establish the curb and gutter elevations along the Henrico County maintained  
537 right-of-way. The elevations will be set by Henrico County.
- 538 33. Prior to issuance of a certificate of occupancy for any building in this  
539 development, the engineer of record shall certify that the site has been graded in  
540 accordance with the approved grading plans.
- 541 34. A note in bold lettering shall be provided on the erosion control plan indicating  
542 that sediment basins or traps located within buildable areas or building pads shall  
543 be reclaimed with engineered fill. All materials shall be deposited and compacted  
544 in accordance with the applicable sections of the state building code and  
545 geotechnical guidelines established by the engineer. An engineer's report  
546 certifying the suitability of the fill materials and its compaction shall be submitted  
547 for review and approval by the Director of Planning and Director of Public Works  
548 and the Building Official prior to the issuance of any building permit(s) on the  
549 affected sites.
- 550 35. Roof edge ornamental features that extend over the zero lot line, and which are  
551 permitted by Section 24-95(i)(1), must be authorized in the covenants.
- 552 36. Eight-foot easements for construction, drainage, and maintenance access for  
553 abutting lots shall be provided and shown on the POD plans.
- 554 37. Building permit request for individual dwellings shall each include two (2) copies  
555 of a layout plan sheet as approved with the plan of development. The developer  
556 may utilize alternate building types providing that each may be located within the  
557 building footprint shown on the approved plan. Any deviation in building footprint  
558 or infrastructure shall require submission and approval of an administrative site  
559 plan.
- 560 38. Windows on the zero lot line side of the dwelling can only be approved with an  
561 exception granted by the Building Official and the Director of Planning during the  
562 building permit application process.

563  
564 Ms. News - Next on page 33 of your agenda is POD-53-07 (POD-51-97  
565 Revised), Home Depot at Brookhollow. This is the second half of the project we were  
566 speaking of earlier for an outdoor display area for the garden center expansion. There  
567 is an addendum item on page 4, which clarifies that staff is recommending approval of  
568 the outdoor display area in front of the store only. The garden center expansion and  
569 outdoor storage areas at the rear of the store were deferred previously. The plan in  
570 your addendum packet depicts the outdoor display area in the front.

571

572 **PLAN OF DEVELOPMENT**

573  
POD-53-07  
Home Depot @  
Brookhollow Garden Center  
Expansion –  
W. Broad Street and I-64  
(POD-51-97 Revised)

**McKinney & Company for Home Depot USA Inc.:**  
Request for approval of a plan of development, as  
required by Chapter 24, Section 24-106 of the Henrico  
County Code, to construct 6,372 square feet of outdoor  
garden center display areas for an existing building. The  
7.95-acre site is located at 11260 W. Broad Street on  
parcel 742-762-4307 in the Brookhollow Shopping  
Center. The zoning is M-1C, Light Industrial District  
(Conditional). County water and sewer. **(Three Chopt)**

574  
575 Mr. Branin - Is anyone in opposition to the approval of POD-53-07, Home  
576 Depot @ Brookhollow – Garden Center Expansion (POD-51-97 Revised)? No one.  
577 Okay. Then I would like to move that this portion of POD-53-07, Home Depot @  
578 Brookhollow – Garden Center Expansion (POD-51-97 Revised), be approved on the  
579 expedited agenda with the annotations on the plans, and the addendum stated.

580  
581 Mr. Vanarsdall - Second.

582  
583 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All  
584 in favor say aye. All opposed say no. The ayes have it; the motion carries.

585  
586 The Planning Commission approved the outdoor display area only for POD-53-07,  
587 Home Depot @ Brookhollow – Garden Center Expansion (POD-51-97 Revised), subject  
588 to the annotations on the plans and the standard conditions attached to these minutes  
589 for developments of this type, and the following additional conditions:

- 590  
591 37. There shall be no outdoor storage in moveable storage containers.  
592 38. If the County observes violations of limits of outdoor display areas or relocations  
593 of planters, staff will require that the applicant file a revised plan for approval by  
594 the Planning Commission.

595  
596 Ms. News - Next on page 34 of your agenda, and located in the Fairfield  
597 District, is POD-59-07, Dominion Fiber Technologies. There is an addendum item on  
598 page 4 of your addendum, which adds condition 11b relating to the approval of the  
599 lighting plan that is included with the POD. Staff recommends approval.

600

601 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

602

POD-59-07 **Hulcher & Associates for E. G. Bowles, Jr.:** Request for approval of a plan of development and lighting plan as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 30,000 square foot manufacturing and warehouse building. The 5.966-acre site is part of the overall site of 34.6 acres located on the west line of Vawter Avenue approximately 2,000 feet north of Laburnum Avenue on part of parcel 799-741-3832. The zoning is M-2, General Industrial District. County water and sewer. **(Fairfield)**

603

604 Mr. Branin - Is anyone in opposition to POD-59-07, Dominion Fiber  
605 Technologies? No one.

606

607 Mr. Archer - Mr. Chairman, I move approval of POD-59-07, Dominion  
608 Fiber Technologies, subject to the annotations on the plans, standard conditions for  
609 developments of this type, the additional conditions 24 through 34, and 11b as noted on  
610 the addendum.

611

612 Mrs. Jones - Second.

613

614 Mr. Branin - Motion made by Mr. Archer, seconded by Mrs. Jones. All in  
615 favor say aye. All opposed say no. The ayes have it; the motion carries.

616

617 The Planning Commission approved POD-59-07, Dominion Fiber Technologies, subject  
618 to the annotations on the plans, the standard conditions attached to these minutes for  
619 developments of this type, and the following additional conditions:

620

621 11B. Prior to the approval of an electrical permit application and installation of the site  
622 lighting equipment, a plan including light spread and intensity diagrams, and fixture  
623 specifications and mounting heights details shall be revised as annotated on the  
624 staff plan and included with the construction plans for final signature.

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

630 25. The limits and elevations of the 100-year frequency flood shall be conspicuously  
631 noted on the plan "Limits of 100 Year Floodplain." In addition, the delineated  
632 100-year floodplain must be labeled "Variable Width Drainage and Utility  
633 Easement." The easement shall be granted to the County prior to the issuance of  
634 any occupancy permits.

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



674 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones. All in  
675 favor say aye. All opposed say no. The ayes have it; the motion carries.  
676

677 The Planning Commission granted conditional approval to SUB-49-07, Mason Park  
678 (September 2007 Plan), subject to the standard conditions attached to these minutes for  
679 subdivisions served by public utilities, the annotations on the plans, and the following  
680 additional conditions:  
681

- 682 12. The detailed plant list and specifications for the landscaping to be provided within  
683 the 25-foot-wide planting strip easement along Shady Grove Road shall be  
684 submitted to the Department of Planning for review and approval prior to  
685 recordation of the plat.
- 686 13. A County standard sidewalk shall be constructed along the north side of Shady  
687 Grove Road.
- 688 14. Any necessary offsite drainage easements must be obtained prior to approval of  
689 the construction plan by the Department of Public Works.
- 690 15. The proffers approved as a part of zoning case C-18C-07 shall be incorporated in  
691 this approval.
- 692 16. Prior to requesting the final approval, a draft of the covenants and deed  
693 restrictions for the maintenance of the common area by a homeowners  
694 association shall be submitted to the Department of Planning for review. Such  
695 covenants and restrictions shall be in a form and substance satisfactory to the  
696 County Attorney and shall be recorded prior to recordation of the subdivision plat.
- 697 17. Any future building lot containing a BMP, sediment basin or trap and located  
698 within the buildable area for a principal structure or accessory structure, may be  
699 developed with engineered fill. All material shall be deposited and compacted in  
700 accordance with the Virginia Uniform Statewide Building Code and geotechnical  
701 guidelines established by a professional engineer. A detailed engineering report  
702 shall be submitted for the review and approval by the Building Official prior to the  
703 issuance of a building permit on the affected lot. A copy of the report and  
704 recommendations shall be furnished to the Directors of Planning and Public  
705 Works.  
706

707 Ms. News - The final item is on page 43 of your agenda, and is located  
708 in the Varina District. The is SUB-54-07, Midview Manor (September 2007 Plan).  
709 There is an addendum item on page 5 of the addendum, which indicates that the  
710 wording of condition #15 has been revised so that the landscape area along Midview  
711 Road is a landscape strip instead of an easement.  
712

713 **SUBDIVISION**

714

SUB-54-07 **Foster & Miller, P.C. for WWLP Development, LLC:**  
Midview Manor The 3.660-acre site proposed for a subdivision of 5  
(September 2007 Plan) single-family homes is located on the north line of  
Midview Road approximately 4,125 feet east of New  
Market Road on parcel 807-702-3149. The zoning is R-  
2AC, One-Family Residence District (Conditional).  
County water and sewer. **(Varina) 5 Lots**

715

716 Mr. Branin - Is anyone in opposition to SUB-54-07, Midview Manor  
717 (September 2007 Plan)? No one?

718

719 Mr. Vanarsdall - I move SUB-54-07, Midview Manor (September 2007 Plan),  
720 be approved with annotations on the plans, the standard conditions for subdivisions  
721 served by public utilities, and the following conditions 12, 13, 14, and 16, and then 15  
722 will be revised on the addendum.

723

724 Mrs. Jones - Second.

725

726 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mrs. Jones. All  
727 in favor say aye. All opposed say no. The ayes have it; the motion carries.

728

729 The Planning Commission granted conditional approval to SUB-54-07, Midview Manor  
730 (September 2007 Plan), subject to the standard conditions attached to these minutes for  
731 subdivisions served by public utilities, the annotations on the plans, and the following  
732 additional conditions:

733

734 12. Each lot shall contain at least 13,500 square feet, exclusive of the flood plain  
735 areas.

736 13. The proffers approved as a part of zoning case C-27C-07 shall be incorporated in  
737 this approval.

738 14. Prior to requesting the final approval, a draft of the covenants and deed  
739 restrictions for the maintenance of the common area by a homeowners  
740 association shall be submitted to the Department of Planning for review. Such  
741 covenants and restrictions shall be in a form and substance satisfactory to the  
742 County Attorney and shall be recorded prior to recordation of the subdivision plat.

743 15. The detailed plant list and specifications for the landscaping to be provided within  
744 the 25-foot-wide ~~planting-landscape strip easement~~ along Midview Road shall be  
745 submitted to the Department of Planning for review and approval prior to  
746 recordation of the plat.

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

752 shall be submitted for the review and approval by the Building Official prior to the  
 753 issuance of a building permit on the affected lot. A copy of the report and  
 754 recommendations shall be furnished to the Directors of Planning and Public  
 755 Works.

756  
 757 Mr. Branin - Ms. News, I think we got our money's worth out of you today.

758  
 759 Ms. News - I think so.

760  
 761 Mr. Silber - Yes sir, there were a lot of expedited items this morning.  
 762 Moving on to the next item on the agenda, which would be consideration of extensions  
 763 of conditional approval. These are subdivisions that were previously approved by the  
 764 Planning Commission for conditional approval and now they're up for possible extension  
 765 of those approvals. As you can see on your agenda, there are a number of items that  
 766 do require your approval, that can be administratively extended, but at the top of the  
 767 page, you can see that there are two subdivisions that do require Planning  
 768 Commission's consideration, one being Newstead Landing (September 2002 Plan), and  
 769 the second being Trivett Woods. With that, I'll let Ms. Goggin present these.

770  
 771 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL:**  
 772 **FOR PLANNING COMMISSION APPROVAL**

773

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Year(s) Extended Recommended
<b>Newstead Landing (Sept. 2002 Plan)</b>	<b>30</b>	<b>17</b>	<b>4</b>	<b>Varina</b>	<b>09/24/08</b>
<b>Trivett Woods (May 2002 Plan)</b>	<b>8</b>	<b>8</b>	<b>4</b>	<b>Fairfield</b>	<b>09/24/08 03/26/08</b>

774  
 775 **FOR INFORMATIONAL PURPOSES ONLY**

776

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Year(s) Extended Recommended
<b>Britton Oaks, Sec. 1 (Sept. 2004 Plan)</b>	<b>26</b>	<b>26</b>	<b>2</b>	<b>Varina</b>	<b>09/24/08</b>
<b>Gill Dale Forest (Sept. 2004 Plan)</b>	<b>34</b>	<b>34</b>	<b>2</b>	<b>Varina</b>	<b>09/24/08</b>
<b>Greenwood Manor (Sept. 2006 Plan)</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>Fairfield</b>	<b>09/24/08</b>

<b>Hidden Haven (Sept. 2004 Plan)</b>	<b>50</b>	<b>50</b>	<b>2</b>	<b>Varina</b>	<b>09/24/08</b>
<b>Techpark (Sept. 2005 Plan)</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>Varina</b>	<b>09/24/08</b>
<b>Woodman Terrace, Sec.R (Sept. 2006 Plan)</b>	<b>7</b>	<b>7</b>	<b>0</b>	<b>Fairfield</b>	<b>09/24/08</b>

777

778 Ms. Goggin - Good morning. For the two subdivisions that the Planning  
779 Commission needs to vote to extend, I have the applicant, developers or engineers here  
780 to speak on them. The first one is Newstead Landing, and Randy Hooker from EDA,  
781 who is the engineer for that project, is here to present his case for the extension.

782

783 Mr. Hooker - Randy Hooker from Engineering Design. The reason why  
784 we're requesting this extension is this project's gone on for some time and there have  
785 been some changes to the original layout and such. Phase I of the project has been  
786 approved. The record plats will be sent in, in the near future, for approval. The road for  
787 the subdivision is under construction as well. We're moving forward on this project. The  
788 remaining lots are what we consider Phase 2.

789

790 Mr. Branin - Okay. Do we have any questions? None? Then I would  
791 entertain a motion for the extension.

792

793 Mr. Vanarsdall - I move that Newstead Landing be extended to September  
794 24, 2008.

795

796 Mrs. Jones - Second.

797

798 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mrs. Jones. All  
799 in favor say aye. All opposed say no. The ayes have it; the motion carries.

800

801 The Planning Commission approved the extension of conditional approval of Newstead  
802 Landing.

803

804 Ms. Goggin - The second case in front of you is Trivett Woods. This will be  
805 its sixth extension. The owner, Mr. Grovicks, is here to present his request for the  
806 extension to the Commission.

807

808 Mr. Grovicks - I'm not a developer; I own the property, and we're in the  
809 process of moving out of it. It's going to take a little while. But we have a developer that  
810 wants to develop that property. I have a proposal that needs massaging; a better deal,  
811 in other words. But if it can be done, we'll make the deal because we're in the process  
812 of moving out of the area. I would like to ask for a 12-month extension because it



813 makes sense because I think in the spring, we'll probably do some moving. Right now,  
814 we're just negotiating for the property to be sold.

815  
816 Mr. Branin - Sir, before we can even consider granting it, you just have to  
817 state your name for the record.

818  
819 Mr. Grovicks - Excuse me?

820  
821 Mr. Branin - State your name for the record. Crawlis Grovicks.

822  
823 Mr. Branin - Thank you. Okay. Anybody have any questions for Mr.  
824 Grovicks?

825  
826 Mr. Archer - Yes. Mr. Grovicks, in view of the fact that we've extended  
827 this five times previously, it's hard to recommend going another year. You don't think  
828 you could tie this down any faster than that?

829  
830 Mr. Grovicks - I'll tell you what. It wasn't really initially my idea to start with.  
831 It was recommended that the property be done that way, and I accepted the  
832 recommendation. It's turned out that recommendation is going to be a pretty good  
833 recommendation, but we just weren't ready to move on that thing five years ago. It was  
834 just the thing to do because we obtained a little small portion of a property that-that  
835 gives us road frontage to a subdivision, which we could tie into by that plan. It made  
836 sense to me at the time, but I wasn't ready to move or anything like that. It was  
837 recommended to us by the person who sold us the property and that's all I did. Right  
838 now, we're serious about doing it.

839  
840 Mr. Archer - Serious enough to go maybe six months instead of a year?

841  
842 Mr. Grovicks - It just makes me more comfortable; that's all. It doesn't  
843 matter. If six months is what you want, we can either get it done or drop it.

844  
845 Mr. Archer - I feel if we sent six months instead of a year, it would at least  
846 give everybody a little bit more incentive to move a little fast and a little more steadfast.

847  
848 Mr. Grovicks - That's true, too. I'm just doing it for my comfort.

849  
850 Mr. Archer - I understand. Okay. Is that agreeable with you, then?

851  
852 Mr. Grovicks - Yes.

853  
854 Mr. Archer - Okay. Then I will move for approval for the extension for six  
855 months until the date of the meeting that occurs in March of 2008.

856  
857 Mr. Silber - That meeting would be March 26.

858

859 Mr. Archer - March 26, 2008.  
860  
861 Mrs. Jones - Second.  
862  
863 Mr. Branin - That motion was made by Mr. Archer, seconded by Mrs.  
864 Jones. All in favor in aye. All opposed say no. The ayes have it; the motion carries.  
865  
866 The Planning Commission approved the 6-month extension of conditional approval of  
867 Trivett Woods.  
868  
869 Ms. Goggin - I would be happy to answer any questions the Commission  
870 may have for the administrative extensions.  
871  
872 Mr. Branin - Do any of the Commissions have any questions for Ms.  
873 Goggin?  
874  
875 Mr. Vanarsdall - I don't.  
876  
877 Mr. Branin - None? Okay. I take it we don't have to do anything with  
878 those.  
879  
880 Mr. Silber - No. Those are for your information; they will be handled  
881 administratively.  
882  
883 Mr. Branin - Okay.

884  
885 **TRANSFER OF APPROVAL**  
886

887  
888 **POD-64-88** **Travis E. Booth for Richmond Venture I, LLC:** Request  
889 Sunoco – 4300 Nine Mile for transfer of approval as required by Chapter 24,  
890 Road Section 24-106 of the Henrico County Code from Triton,  
891 (formerly Citgo Quick Mart) Inc. to Richmond Venture I, LLC. The 1.831-acre site is  
892 located on the north line of Nine Mile Road at the  
893 northwest corner of the intersection of Nine Mile Road  
894 (State Route 33) and E. Richmond Road on parcel 808-  
895 722-9767. The zoning is B-3, Business District. County  
water and sewer. **(Varina)**

887  
888 Mr. Branin - Is anyone in opposition to transfer of approval POD-64-88,  
889 Sunoco? No one?  
890  
891 Ms. Berndt - The new owner accepts and agrees to be responsible for  
892 continued compliance with the conditions of the original approval. The applicant has  
893 corrected all site deficiencies as identified in the inspection reported dated July 12,  
894 2007, with the exception of two shrubs that should be planted before September 30,  
895 2007. Should the Commission act on this request, staff recommends approval with the

896 condition #1 on the agenda. The applicant's representative, Carlos Robledo, is here to  
897 answer any questions you may have of him, and I'm here to answer any questions the  
898 Commission may have of me.

899  
900 Mr. Branin - Does anybody have any questions for Ms. Berndt? No one?  
901 Does anyone need to hear from the applicant? No? Mr. Vanarsdall, you've been  
902 waiting, dying to get this one done, so let's get it done.

903  
904 Mr. Vanarsdall - I recommend approval of transfer of approval POD-64-88,  
905 Sunoco, with condition #1 on the agenda.

906  
907 Mr. Archer - Second.

908  
909 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr. Archer. All  
910 in favor say aye. All opposed say no. The ayes have it; the motion carries.

911  
912 The Planning Commission approved the transfer of approval request POD-64-88,  
913 Sunoco, subject to the standard and added conditions previously approved for  
914 developments of this type, from Triton, Inc. to Richmond Venture I, LLC, and the  
915 following additional condition:

- 916  
917 1. Site deficiencies, as identified in the inspection report, dated **July 12, 2007** shall  
918 be corrected by **September 30, 2007**.

919  
920

921 **PLAN OF DEVELOPMENT (Deferred from the July 25, 2007 Meeting)**

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POD-44-07 Mt. Vernon Baptist Church Phase 3A and 3B – Nuckols Road and Twin Hickory Road (POD-33-01 and POD-24-95 Revised)	<b>Youngblood, Tyler &amp; Associates, P.C. for Trustees of Mount Vernon Baptist Church:</b> Request for approval of a special exception as required by Chapter 24, Section 24-95(a)(1) of the Henrico County Code, to construct a spire exceeding 100 feet in height. The special exception would authorize a spire to be placed on top of the sanctuary with an overall height of 185 feet. The 46.52- acre site is located on Nuckols Road, 390 feet south of Twin Hickory Road, on parcels 748-773-0602 and 748- 772-1536. The zoning is A-1, Agricultural District. County water and sewer. <b>(Three Chopt)</b>
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923  
924 Mr. Branin - Is anyone in opposition to POD-44-07, Mt. Vernon Baptist  
925 Church? No one. Good morning.

926  
927 Mr. Ward - Good morning. This is a special exception request pertaining  
928 to the proposed steeple height. The applicant has revised the original proposal of 180  
929 feet to 185 feet for the height of the steeple, whereas the Code permits a steeple of 100  
930 feet in the A-1 zoning district without a special exception granted by the Planning

931 Commission. The steeple is shown on revised elevations and the detail in regard to  
932 how it would be illuminated is shown as well. Additionally, a neighborhood meeting was  
933 held on August 28, 2007, and no opposition was presented at this time. As a normal  
934 procedure, staff makes no recommendations regarding special exceptions. The  
935 applicant and their representatives are here today to discuss the matter further, and I  
936 would also be happy to answer any questions you may have at this time.

937  
938 Mr. Branin - Okay. Does anybody have any questions for Mr. Ward?  
939 None? Would anyone like to hear from the applicant?

940  
941 Mrs. Jones - I'd like to hear about the capability of the steeple for—

942  
943 Mr. Branin - Cellular?

944  
945 Mrs. Jones - Yes.

946  
947 Mr. Branin - Would you like to hear that from Mr. Ward or from the  
948 applicant?

949  
950 Mrs. Jones - That's your choice, Mr. Chairman. I'd just like to have this  
951 on record.

952  
953 Mr. Branin - Okay. We would like to hear from the representative for the  
954 applicant. Is there one in the room? There are four of you; pick one. We don't care  
955 which one.

956  
957 Mr. Vanarsdall - The steeple's so tall, it'll take four of you.

958  
959 Mr. Byerly - Good morning. My name is Jim Byerly. I'm with  
960 [unintelligible] Architects. You had mentioned about the cellular?

961  
962 Mrs. Jones - Yes. I can't see something like this without being farsighted.

963  
964 Mr. Byerly - Yes. At this point, we're going to design the steeple where it  
965 could house up to four different cellular companies, and we've already spoken with  
966 AT&T for the willingness to go into the tower.

967  
968 Mr. Branin - I know where Mrs. Jones is going with this because she and  
969 I had a discussion about this just yesterday. With the necessity of cellular towers for in-  
970 house use nowadays, we are having, as a Commission, a heck of time getting cell  
971 towers put into neighborhoods. With this steeple, it just happens to be an ideal place to  
972 put a cellular tower so people won't see it or even know it's there. You guys in your  
973 design have provided for this capability in the steeple, but where are you going to put  
974 the actual electronics?

975 Mr. Byerly - Yes. The antenna parts will be inside the envelope of the  
976 steeple itself, so they're not visible. And then the electronic equipment for each

977 company, which is probably about a 12 feet by 16 feet footprint, at this point is going to  
978 be on top of the roof, similar to rooftop units. Those would then all be subject to  
979 screening.

980  
981 Mr. Branin - Okay. So, you are putting into your design this ability.

982  
983 Mr. Byerly - Right.

984  
985 Mr. Branin - Structurally and—

986  
987 Mr. Byerly - Four locations for them to put their equipment in.

988  
989 Mrs. Jones - It sounds like not only is this being designed in, but the  
990 church is definitely planning to do this.

991  
992 Mr. Byerly - Yes, that is the desire.

993  
994 Mrs. Jones - Okay.

995  
996 Mr. Branin - They're all shaking their heads yes. Okay. Does anybody  
997 have any other questions? Thank you. All right. Well, then, I would like to move for  
998 approval of the special exception for POD-44-07, Mt. Vernon Baptist Church, the  
999 conditions approved by the Planning Commission for the project in the July 25, 2007  
1000 meeting, with conditions 24 through 32.

1001  
1002 Mr. Vanarsdall - Second.

1003  
1004 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All  
1005 in favor say aye. All opposed say no. The ayes have it; the motion carries.

1006  
1007 The Planning Commission approved the special exception for POD-44-07, Mt. Vernon  
1008 Baptist Church, subject to the conditions approved previously for this project at its July  
1009 25, 2007 meeting.

1010

1011 **PLAN OF DEVELOPMENT & ALTERNATIVE FENCE HEIGHT PLAN**

1012  
POD-38-07  
John Rolfe Square -  
11840 Church Road

**Balzer & Associates, Inc. for Tascon-Pump, LLC:**  
Request for approval of a plan of development and alternative fence height, as required by Chapter 24, Sections 24-106 and 24-95(I)6 of the Henrico County Code, to construct 40, semi detached single-family residential homes on zero lot lines and to allow a wall/fence exceeding 7 feet in height and rear and side yards. The 10.825-acre site is located at Church and Pump Roads on parcels 740-755-3511 and 739-755-9019. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. **(Tuckahoe)**

1013  
1014 Mr. Branin - Is anyone in opposition to POD-38-07, John Rolfe Square?  
1015 No one? Ms. Goggin, hello again.

1016  
1017 Ms. Goggin - Hello. Staff has received the alternative fence height plan,  
1018 which was just handed out to you. Tascon Group, the developer, has worked closely  
1019 with the County and the adjacent property owners throughout every step of the process  
1020 from rezoning, conditional subdivision approval, to the POD in front of you today. At the  
1021 time of conditional subdivision review, Tascon decided to build a clubhouse after  
1022 feedback from focus groups. This was a new element added after citizen meetings prior  
1023 to the rezoning. The developer sent this graphic, as well as this one to the adjacent  
1024 property owners and the people that attended the neighborhood meetings. Staff was not  
1025 contacted by any citizens concerning that change.

1026  
1027 The County Code limits the maximum fence height in residentially-zoned rear and side  
1028 yards to seven feet, unless an alternative fence height is approved by the Planning  
1029 Commission. The applicant has requested approval of an alternative fence height of  
1030 eight feet in the rear and side yards of this proposed subdivision, especially along Pump  
1031 Road, which would be a brick wall, and Church Road, which would be an eight-foot brick  
1032 wall. Six-foot wrought iron style fence is proposed along the Laura Lea side of the  
1033 subdivision, and brick columns and a wooden fence is proposed next to the Lake  
1034 Lorraine subdivision.

1035  
1036 This request also includes 8- to 10-foot brick walls and wood fences between the  
1037 individual lots, and at the rear of the internal lots. So, lots like this, one side of the grade  
1038 will be 6 feet, the other side will be 8 feet. They're using internal retaining walls and  
1039 putting the fence on top of those. They are not visible from the outside.

1040  
1041 A 13-foot brick façade retaining wall is proposed at the rear of lots 24 through 28,  
1042 adjacent to Lake Lorraine subdivision. This graphic shows what the wall will look like, as  
1043 a sectional view. It will be a 13-foot brick façade retaining wall. Here is Lake Lorraine,  
1044 25-foot planting strip, another retaining wall, and then the brick column and wood fence

1045 along the rear property line that will connect to the proposed garages. The area I am  
1046 specifically talking about is back here. This is where the 13-foot height would be.

1047  
1048 Here is a view of what the wall would look like from the Lake Lorraine subdivision if you  
1049 were in a rear yard. So, you've got the retaining walls here. At its highest point, it would  
1050 be 13 feet. Then you can see the landscaping. And then, like I said, there is another  
1051 retaining wall back there, but it will be blocked with the landscaping, or screened with  
1052 the landscaping.

1053  
1054 Staff was contacted by two citizens, Steve Brown, president of the Lake Lorraine  
1055 Homeowners Association, as well as Dr. Katz, who is an adjacent property owner in  
1056 Lake Lorraine, concerning the notice letters, as well as the wall heights. The graphics  
1057 provided to staff by Tascon were then distributed to both citizens, who shared them with  
1058 the rest of the HOA. Staff has not received any additional calls concerning this  
1059 development.

1060  
1061 There is a deleted condition, as shown on page 1 in your handout addendum, requiring  
1062 the applicant to build a sidewalk along Church Road, but the condition is not necessary  
1063 because the sidewalk will be installed by the County at time of Church and Pump Road  
1064 realignment.

1065  
1066 Should the Planning Commission choose to approve the POD and alternative fence  
1067 height, staff recommends approval subject to the annotations on the plan, additional  
1068 conditions 24 through 38, with 29 deleted on the agenda, and conditions 9 and 11  
1069 amended. The Planning Commission can approve the alternative fence height within the  
1070 same motion as the POD, should the Commission choose to do so.

1071  
1072 Wayne Fuller from Tascon, Randy Biltz from Higgins and Gerstenmaier are here, as  
1073 well as Justin Fournier from Balzer, should the Commission have any questions for  
1074 them. I would be happy to answer any questions the Commission may have of me.

1075  
1076 Mrs. Jones - Ms. Goggin, from Pump and Church, the walls that are  
1077 visible, just to reiterate, the height of those will be eight.

1078  
1079 Ms. Goggin - From the right-of-ways. They may be up to 10 feet on the  
1080 inside of a lot that the homeowner might see. But it would not be seen from the general  
1081 public.

1082  
1083 Mrs. Jones - So, it would be a consistent height throughout the Pump and  
1084 Church—

1085  
1086 Ms. Goggin - Yes ma'am.

1087  
1088 Mrs. Jones - That was it.

1089

1090 Mr. Branin - Okay. Does anyone else have any questions for Ms.  
1091 Goggin? Would you like to hear from the applicant?  
1092  
1093 Mrs. Jones - I have no questions for the applicant because we have  
1094 talked prior to this meeting. Ms. Goggin and I have talked extensively, as this project  
1095 has moved along. So, I don't have any additional questions for them at this time.  
1096  
1097 Mr. Branin - And you feel Lake Lorraine's concerns have been met?  
1098  
1099 Mrs. Jones - Lake Lorraine and Laura Lea. Both neighborhoods have  
1100 been active in this and have been notified every step of the way.  
1101  
1102 Mr. Branin - Okay. Would you like to move forward?  
1103  
1104 Mrs. Jones - Unless someone else has anything.  
1105  
1106 Mr. Silber - I have one question. On the retaining wall in the back, are  
1107 they going to be able to construct that wall without encroaching onto the lots to the rear?  
1108  
1109 Ms. Goggin - I have been told that that is the case, that they are going to  
1110 do a poured wall, probably, and brick veneer it, so they're able to work off of their site  
1111 versus having to go on the adjacent properties.  
1112  
1113 Mr. Silber - Okay, good.  
1114  
1115 Mr. Turner - [Off mike. ] I have a question.  
1116  
1117 Mr. Branin - Sir, if you have a question, I'm going to have to ask you to  
1118 come up front and state your name for the record, sir.  
1119  
1120 Mr. Turner - My name is David Turner. I am one of the property owners  
1121 right behind the project. The only question I have is on the retaining wall, what about the  
1122 drainage on that?  
1123  
1124 Mrs. Jones - I think you certainly have a valid question and I'm sure we  
1125 can get the applicant to answer for you.  
1126  
1127 Mr. Branin - Thank you, Mr. Turner. Can we have the applicant, or an  
1128 applicant representative down, please?  
1129  
1130 Mr. Fuller - Good morning. I'm Wayne Fuller. I'm the manager of site  
1131 development for Tascon Group. I guess we're talking about the drainage from the top  
1132 of the retaining wall. In with the drainage for the rest of the project, there is a line with a  
1133 series of inlets on top of the retaining wall to take water from behind the wall so it  
1134 doesn't flow over the wall, and put it into our system. So, there will be no net drainage  
1135 off of our property onto any properties adjacent.



1136  
1137 Mrs. Jones - Is that satisfactory?  
1138  
1139 Mr. Turner - [Off mike.] Yes.  
1140  
1141 Mrs. Jones - Okay. While you're here, you might want to just mention the  
1142 site challenges for this particular parcel which have led to what will be a very pleasing, I  
1143 think, design, but it's definitely a difficult one to explain with all of the grade challenges.  
1144  
1145 Mr. Fuller - Certainly. From an engineering standpoint, that particular  
1146 area of the site is where all the drainage leaves our property. So, it is a low point on the  
1147 site. To try to balance out desire to have minimal steps and minimal grades on  
1148 driveways and sidewalks for our residents, we have come up with the wall. That's why  
1149 we had it at that point. I might add at the 13-foot height, it's at that drainage swale in  
1150 the bottom. We you can see, it tapers at to zero feet as it goes up the site. A lot of  
1151 things have to be considered in that the retaining wall and the fence are all connected  
1152 with the garages and the architecture. So, we have to kind of blend that in with our  
1153 architecture to make it pleasing to our adjacent neighbors, as well as the residents of  
1154 our site.  
1155  
1156 Mrs. Jones - The drainage will be at that lower point. It will be connected.  
1157  
1158 Mr. Fuller - Correct. There is an existing County drainage easement  
1159 back there that has a conveyance that we're connecting to.  
1160  
1161 Mrs. Jones - Mr. Turner, are you good? Okay. Thank you.  
1162  
1163 Mr. Branin - Does anybody have any other questions for Ms. Goggin or  
1164 the applicant? No one?  
1165  
1166 Mrs. Jones - Okay. I want to thank Christina for all the work she's done on  
1167 this and all the phone calls she's fielded from me saying, "Now how exactly is that going  
1168 to work?" She's done a very nice job with this.  
1169  
1170 Ms. Goggin - Thank you.  
1171  
1172 Mrs. Jones - With that, I'd like to make a motion for both the alternate  
1173 fence height and the POD at the same time. Mr. Secretary, is that all right?  
1174  
1175 Mr. Silber - That would be fine, yes ma'am.  
1176  
1177 Mrs. Jones - All right.  
1178  
1179 Mr. Vanarsdall - Did you just make it?  
1180

1181 Mrs. Jones - I'd like to move approval of POD-38-07, John Rolfe Square,  
1182 with the alternative fence height plan, with conditions 9 and 11 amended, 24 through 28,  
1183 30 through 38, deleted condition #29 as referenced on the addendum on page 1, as  
1184 well as standard conditions for developments of this type, and the annotations on the  
1185 plans.

1186  
1187 Mr. Vanarsdall - Second.

1188  
1189 Mr. Branin - Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in  
1190 favor say aye. All opposed say no. The ayes have it; the motion carries.

1191  
1192 The Planning Commission approved POD-38-07, John Rolfe Square, with the  
1193 alternative fence plan, subject to the annotations on the plans, the standard conditions  
1194 attached to these minutes for developments of this type, and the following additional  
1195 conditions:

- 1196
- 1197 9 **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
1198 Planning for review and Planning Commission approval prior to the issuance of  
1199 any occupancy permits.
  - 1200 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan  
1201 including depictions of light spread and intensity diagrams, and fixture and  
1202 specifications and mounting height details shall be submitted for Department of  
1203 Planning review and Planning Commission approval.
  - 1204 24. The subdivision plat for John Rolfe Square shall be recorded before any building  
1205 permits are issued.
  - 1206 25. The right-of-way for widening of Church Road and Pump Road as shown on  
1207 approved plans shall be dedicated to the County prior to any occupancy permits  
1208 being issued. The right-of-way dedication plat and any other required information  
1209 shall be submitted to the County Real Property Agent at least sixty (60) days  
1210 prior to requesting occupancy permits.
  - 1211 26. The easements for drainage and utilities as shown on approved plans shall be  
1212 granted to the County in a form acceptable to the County Attorney prior to any  
1213 occupancy permits being issued. The easement plats and any other required  
1214 information shall be submitted to the County Real Property Agent at least sixty  
1215 (60) days prior to requesting occupancy permits.
  - 1216 27. The developer shall provide fire hydrants as required by the Department of Public  
1217 Utilities and Division of Fire.
  - 1218 28. Prior to issuance of a certificate of occupancy for any building in this  
1219 development, the engineer of record shall certify that the site has been graded in  
1220 accordance with the approved grading plans.
  - 1221 ~~29. A concrete sidewalk meeting County standards shall be provided along the east~~  
1222 ~~side of S. Church Road.~~
  - 1223 30. The proffers approved as a part of zoning case C-50C-06 shall be incorporated in  
1224 this approval.

- 1225 31. Any necessary off-site drainage and/or water and sewer easements must be  
 1226 obtained in a form acceptable to the County Attorney prior to final approval of the  
 1227 construction plans.
- 1228 32. The pavement shall be of an SM-2A type and shall be constructed in accordance  
 1229 with County standard and specifications. The developer shall post a defect bond  
 1230 for all pavement with the Department of Planning - the exact type, amount and  
 1231 implementation shall be determined by the Director of Planning, to protect the  
 1232 interest of the members of the Homeowners Association. The defect bond shall  
 1233 remain in effect for a period of three years from the date of the issuance of the  
 1234 final occupancy permit. Prior to the issuance of the last Certificate of Occupancy,  
 1235 a professional engineer must certify that the roads have been designed and  
 1236 constructed in accordance with County standards.
- 1237 33. Approval of the construction plans by the Department of Public Works does not  
 1238 establish the curb and gutter elevations along the Henrico County maintained  
 1239 right-of-way. The elevations will be set by Henrico County.
- 1240 34. A note in bold lettering shall be provided on the erosion control plan indicating  
 1241 that sediment basins or traps located within buildable areas or building pads shall  
 1242 be reclaimed with engineered fill. All materials shall be deposited and compacted  
 1243 in accordance with the applicable sections of the state building code and  
 1244 geotechnical guidelines established by the engineer. An engineer's report  
 1245 certifying the suitability of the fill materials and its compaction shall be submitted  
 1246 for review and approval by the Director of Planning and Director of Public Works  
 1247 and the Building Official prior to the issuance of any building permit(s) on the  
 1248 affected sites.
- 1249 35. Roof edge ornamental features that extend over the zero lot line, and which are  
 1250 permitted by Section 24-95(i)(1), must be authorized in the covenants.
- 1251 36. Eight-foot easements for construction, drainage, and maintenance access for  
 1252 abutting lots shall be provided and shown on the POD plans.
- 1253 37. Building permit request for individual dwellings shall each include two (2) copies  
 1254 of a layout plan sheet as approved with the plan of development. The developer  
 1255 may utilize alternate building types providing that each may be located within the  
 1256 building footprint shown on the approved plan. Any deviation in building footprint  
 1257 or infrastructure shall require submission and approval of an administrative site  
 1258 plan.
- 1259 38. Windows on the zero lot line side of the dwelling can only be approved with an  
 1260 exception granted by the Building Official and the Director of Planning during the  
 1261 building permit application process.

1262  
 1263 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**  
 1264

POD-61-07  
 Faison School of Autism –  
 1701 Byrd Avenue

**Balzer & Associates, Inc. for 1701 Byrd Avenue, 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 renovate a three-story, 38,000 square foot  
 existing office building for use as a private school for

special needs children and to add parking and drive aisles. The 2.769-acre site is located at the southwest corner of the intersection of Byrd Avenue and Markel Road on parcel 772-737-4775. The zoning is B-2, Business District. County water and sewer. **(Brookland)**

- 1265  
1266 Mr. Branin - Is anyone in opposition to POD-61-07, Faison School of  
1267 Autism? No one. Good morning, how are you.  
1268  
1269 Mr. Pambid - Doing fine, sir. How are you?  
1270  
1271 Mr. Branin - I'm good, thank you.  
1272  
1273 Mr. Pambid - Good. Staff received a revised plan for this site. There was a  
1274 concern with regards to some trees along Markel and Byrd Avenue. The revised plan  
1275 saves the existing trees along Markel Road. Staff has also recommended that the  
1276 engineer continue to evaluate the grading along Byrd Avenue to maximize tree  
1277 preservation. There is a transitional buffer element and a transitional buffer deviation is  
1278 required to accommodate the location of the existing building, as well as a driveway and  
1279 some tree preservation. A transitional buffer 25 is required along that portion of the  
1280 property, which is across the street from residences zoned R-3. The subject property is  
1281 zoned B-2. Staff has no objection to this deviation request. Staff recommends approval,  
1282 subject to the annotations on the staff plan and the conditions in the agenda. This  
1283 concludes my presentation. I'd be happy to answer any questions that you might have.  
1284 Engineer Aaron Breed with Balzer, architect Marcos Silvia with Baskervill, and Bruce  
1285 Kay representing the Faison School are also here to answer any questions that you  
1286 might have.  
1287  
1288 Mr. Branin - Okay. Does anybody have any questions for Lee?  
1289  
1290 Mr. Vanarsdall - I don't have any, Mr. Chairman.  
1291  
1292 Mr. Branin - Okay. Would you like to hear from the applicant, Mr.  
1293 Vanarsdall?  
1294  
1295 Mr. Vanarsdall - I don't think so.  
1296  
1297 Mr. Branin - No? Okay.  
1298  
1299 Mr. Vanarsdall - The reason is because we've been discussing this and I  
1300 want to thank Lee and Jim Strauss for being in on this, and also Leslie News. I want to  
1301 say up front that I don't know of anything that this building—this is an old Robert Shaw  
1302 control building. I don't know of any use this could be any better for, including the  
1303 neighborhood. I've talked to several people in the neighborhood just in passing and  
1304 they are very excited about it. This is a school for autism. Mr. Alan Kirshner is the  
1305 chairman and he couldn't be with us this morning. However, I would like to point out

1306 that Bruce Kay, vice president of Markel and Michael Eaton from Markel, they've been  
1307 most cooperative in saving as many trees over there as possible. This morning in the  
1308 last hour, we had a problem with the fence. I mentioned that to Bruce Kay and he said  
1309 if you want to change it to the wrought iron look, that's fine. He and all of them want this  
1310 to be an upscale thing, which it certainly will be.

1311  
1312 What Lee told us about staff recommending the engineer continue to evaluate the  
1313 grading in order to maximize tree preservation, I asked him is this annotated. He said  
1314 no. You kinda annotate it or we'll just take your word for it. A lot of this, as you've found  
1315 out, is word-of-mouth. With that—

1316  
1317 Mr. Silber - Mr. Vanarsdall, I think probably it's been explained in the  
1318 record that they will make an effort to do that, so I think that will suffice.

1319  
1320 Mr. Vanarsdall - Okay.

1321  
1322 Mr. Silber - In regard to the fencing, perhaps you're going to deal with  
1323 that in your motion, but I will remind you that the plan shows the vinyl-coated chain link.  
1324 If the applicant is willing to—

1325  
1326 Mr. Vanarsdall - I'm going to have that brought back [unintelligible] and we'll  
1327 address it then.

1328  
1329 Mr. Silber - You'll address that when the landscape plan comes back.

1330  
1331 Mr. Vanarsdall - Yes.

1332  
1333 Mr. Silber - Okay.

1334  
1335 Mr. Vanarsdall - I just ran it by Mr. Kay this morning, so it wouldn't be a shock  
1336 to him.

1337  
1338 Mr. Silber - Okay.

1339  
1340 Mr. Vanarsdall - With that, I'm ready for a motion.

1341  
1342 Mr. Branin - Okay.

1343  
1344 Mr. Vanarsdall - I make a motion that the transitional buffer deviation be  
1345 approved.

1346  
1347 Mr. Archer - Second.

1348  
1349 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr. Archer. All  
1350 in favor say aye. All opposed say no. The ayes have it; the motion carries.

1351

1352 The Planning Commission approved the transitional deviation buffer for POD-61-07,  
1353 Faison School of Autism.

1354  
1355 Mr. Vanarsdall - Now I move for approval of POD-61-07, Faison School of  
1356 Autism, with the annotations on the plans, standard conditions for developments of this  
1357 type, and additional conditions 24 through 35.

1358  
1359 Mr. Archer - Second.

1360  
1361 Mr. Branin - Motion made by—

1362  
1363 Mr. Vanarsdall - Oh, excuse me. Number 9 amended and number 11  
1364 amended. We'll address the wrought iron fence versus the chain link at that time.

1365  
1366 Mr. Branin - Okay. Motion made by Mr. Vanarsdall, seconded by Mr.  
1367 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion carries.

1368  
1369 The Planning Commission approved POD-61-07, Faison School of Autism, subject to  
1370 the annotations on the plans, the standard conditions attached to these minutes for  
1371 development of this type, and the following additional conditions:

- 1372  
1373 24. The easements for drainage and utilities as shown on approved plans shall be  
1374 granted to the County in a form acceptable to the County Attorney prior to any  
1375 occupancy permits being issued. The easement plats and any other required  
1376 information shall be submitted to the County Real Property Agent at least sixty  
1377 (60) days prior to requesting occupancy permits.
- 1378 25. The developer shall provide fire hydrants as required by the Department of Public  
1379 Utilities and Division of Fire.
- 1380 26. Prior to issuance of a certificate of occupancy for any building in this  
1381 development, the engineer of record shall certify that the site has been graded in  
1382 accordance with the approved grading plans.
- 1383 27. A concrete sidewalk meeting County standards shall be provided along Fitzhugh  
1384 Avenue.
- 1385 28. Outside storage shall not be permitted.
- 1386 29. Prior to issuance of a building permit, the developer must furnish a letter from  
1387 Dominion Virginia Power stating that this proposed development does not conflict  
1388 with their facilities.
- 1389 30. Any necessary off-site drainage and/or water and sewer easements must be  
1390 obtained in a form acceptable to the County Attorney prior to final approval of the  
1391 construction plans.
- 1392 31. Deviations from County standards for pavement, curb or curb and gutter design  
1393 shall be approved by the County Engineer prior to final approval of the  
1394 construction plans by the Department of Public Works.
- 1395 32. Insurance Services Office (ISO) calculations must be included with the plans and  
1396 contracts and must be approved by the Department of Public Utilities prior to the  
1397 issuance of a building permit.

- 1398 33. Approval of the construction plans by the Department of Public Works does not  
1399 establish the curb and gutter elevations along the Henrico County maintained  
1400 right-of-way. The elevations will be set by Henrico County.
- 1401 34. The owners shall not begin clearing of the site until the following conditions have  
1402 been met:
- 1403 a. The site engineer shall conspicuously illustrate on the plan of development  
1404 or subdivision construction plan and the Erosion and Sediment Control  
1405 Plan, the limits of the areas to be cleared and the methods of protecting  
1406 the required buffer areas. The location of utility lines, drainage structures  
1407 and easements shall be shown.
  - 1408 b. After the Erosion and Sediment Control Plan has been approved but prior  
1409 to any clearing or grading operations of the site, the owner shall have the  
1410 limits of clearing delineated with approved methods such as flagging, silt  
1411 fencing or temporary fencing.
  - 1412 c. The site engineer shall certify in writing to the owner that the limits of  
1413 clearing have been staked in accordance with the approved plans. A copy  
1414 of this letter shall be sent to the Department of Planning and the  
1415 Department of Public Works.
  - 1416 d. The owner shall be responsible for the protection of the buffer areas and  
1417 for replanting and/or supplemental planting and other necessary  
1418 improvements to the buffer as may be appropriate or required to correct  
1419 problems. The details shall be included on the landscape plans for  
1420 approval.
- 1421 35. The location of all existing and proposed utility and mechanical equipment  
1422 (including HVAC units, electric meters, junction and accessory boxes,  
1423 transformers, and generators) shall be identified on the landscape plans. All  
1424 equipment shall be screened by such measures as determined appropriate by  
1425 the Director of Planning or the Planning Commission at the time of plan approval.

1426  
1427 Mr. Vanarsdall - Bruce, thank you all for coming.

1428  
1429 Mr. Branin - Mr. Secretary, before we go any further, there is one person  
1430 in want to bring to the attention of the Commissions, that had made us a promise back  
1431 in the beginning of the year that she would be working with us more diligently and  
1432 coming as a source for questions in regards to public safety with our projects, and that's  
1433 Kim Vann. Kim, thanks for showing up and working with us today.

1434

1435 **PLAN OF DEVELOPMENT**

1436

POD-62-07 **Balzer & Associates, Inc. for McCormick Realty Limited and OSI Restaurant Partners:** 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, 5,582 square foot restaurant in an existing shopping center. The 1.16-acre site is located on the south side of W. Broad Street (U.S. Route 250) approximately 600 feet east of Gaskins Road (State Route 157) in the Westpark Shopping Center on part of parcel 753-758-3069. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Three Chopt)**

1437

1438 Mr. Branin - Is anyone in opposition to POD-62-07, Bonefish Grill? No  
1439 one? Mr. Garrison.

1440

1441 Mr. Garrison - Mr. Chairman, Planning Commission Members, good  
1442 morning.

1443

1444 Mrs. Jones - Good morning.

1445

1446 Mr. Garrison - POD-62-07, Bonefish Grill, is requesting approval of an  
1447 approximately 5500-square-foot restaurant and a 6300-square-foot building for future  
1448 use. Just handed to you are the revised elevations that were submitted Monday. These  
1449 address staff's concerns regarding the amount of red brick per proffered condition. The  
1450 elevations show the service area and the screen wall, and the floor plans submitted  
1451 show dimensions and uses within the building.

1452

1453 A waiver of time limits will be required should the Commission act on this request. Staff  
1454 recommends approval subject to the annotations on the plans, the added conditions in  
1455 the agenda, and the standard conditions for developments of this type. The  
1456 representative of the applicant is here to answer any questions you may have.

1457

1458 Mr. Branin - Okay. Does anybody have any questions for Mr. Garrison?

1459

1460 Mr. Silber - I have one question, Mr. Garrison. The plan shows the  
1461 restaurant, 5500-square-foot restaurant, and a future building.

1462

1463 Mr. Garrison - Yes.

1464

1465 Mr. Silber - Is this approval today just for the restaurant, or does this  
1466 include a future building?

1467

1468 Mr. Garrison - I believe—Is the applicant here? I believe it's for the building.



1469 Mr. Garden - [Unintelligible.]  
1470  
1471 Mr. Branin - Okay. Sir? Just—Could you please come down? And I'm  
1472 going to make you repeat all that. So, if anyone else wants to stand up and talk, I'm  
1473 going to make you come down and repeat all of it until we get your name for the record.  
1474  
1475 Mr. Silber - Before you actually start, that was my understanding that it  
1476 was just the restaurant that's listed in the caption. I just wanted to clarify that. So, if you  
1477 could proceed.  
1478  
1479 Mr. Garden - My name is Kevin Garden and I'm here from Bonefish Grill.  
1480  
1481 Mr. Branin - Hello, Kevin Garden, how are you?  
1482  
1483 Mr. Garden - Great.  
1484  
1485 Mr. Branin - Now, what we're looking at today is strictly for Bonefish, not  
1486 the secondary building, correct? And the reason for that is?  
1487  
1488 Mr. Garden - We're going to be leasing our space here. The owner of the  
1489 property is Kemco Realty, and they'll be responsible for leasing that space. Whoever  
1490 they get to lease that space will have to come back in for approval of whatever use  
1491 they're going to put there.  
1492  
1493 Mr. Branin - Okay. All right. While we have the applicant's representative  
1494 here, does anybody have any other questions for him? Thank you. Mr. Secretary, do  
1495 you have any other?  
1496  
1497 Mr. Silber - No other questions. No sir.  
1498  
1499 Mr. Branin - Then I would like to move to waive the time limits.  
1500  
1501 Mr. Vanarsdall - Second.  
1502  
1503 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All  
1504 in favor say aye. All opposed say no. The ayes have it; the motion carries. Time limits  
1505 are waived.  
1506  
1507 The Planning Commission approved to waive the time limits.  
1508  
1509 Mr. Branin - I would like to move for approval of POD-62-07, Bonefish  
1510 Grill, with annotations on the plans, standard conditions for developments of this type,  
1511 and the following additional conditions 24 through 34, as well as the new elevations.  
1512  
1513 Mr. Vanarsdall - Second.  
1514

1515 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All  
1516 in favor say aye. All opposed say no. The ayes have it; the motion carries.

1517 The Planning Commission approved POD-62-07, Bonefish Grill, subject to the  
1518 annotations on the plans, the standard conditions attached to these minutes for  
1519 developments of this type, and the following additional conditions:

1520

1521 24. The easements for drainage and utilities as shown on approved plans shall be  
1522 granted to the County in a form acceptable to the County Attorney prior to any  
1523 occupancy permits being issued. The easement plats and any other required  
1524 information shall be submitted to the County Real Property Agent at least sixty  
1525 (60) days prior to requesting occupancy permits.

1526 25. The developer shall provide fire hydrants as required by the Department of Public  
1527 Utilities and Division of Fire.

1528 26. Outside storage shall not be permitted.

1529 27. The proffers approved as a part of zoning cases C-77C-89 and C-11C-93 shall  
1530 be incorporated in this approval.

1531 28. The developer shall install an adequate restaurant ventilating and exhaust  
1532 system to minimize smoke, odors, and grease vapors. The plans and  
1533 specifications shall be included with the building permit application for review and  
1534 approval. If, in the opinion of the County, the type system provided is not  
1535 effective, the Commission retains the rights to review and direct the type of  
1536 system to be used.

1537 29. Insurance Services Office (ISO) calculations must be included with the plans and  
1538 contracts and must be approved by the Department of Public Utilities prior to the  
1539 issuance of a building permit.

1540 30. Evidence of a joint ingress/egress and maintenance agreement must be  
1541 submitted to the Department of Planning and approved prior to issuance of a  
1542 certificate of occupancy for this development.

1543 31. The location of all existing and proposed utility and mechanical equipment  
1544 (including HVAC units, electric meters, junction and accessory boxes,  
1545 transformers, and generators) shall be identified on the landscape plans. All  
1546 equipment shall be screened by such measures as determined appropriate by  
1547 the Director of Planning or the Planning Commission at the time of plan approval.

1548 32. Only retail business establishments permitted in a B-3 zone may be located in  
1549 this center.

1550 33. The ground area covered by all the buildings shall not exceed in the aggregate  
1551 25 percent of the total site area.

1552 34. No merchandise shall be displayed or stored outside of the building(s) or on  
1553 sidewalk(s).

1554

1555 **PLAN OF DEVELOPMENT**

1556

POD-54-07  
New Market Village,  
Sections 1 and 2 –  
Darbytown Road

**Bay Design Group, P.C. for New Market Village Development Company:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 28, two-story, detached dwellings for sale with zero-lot lines and 47, two-story, townhouse units for sale. The 23.11-acre site is located on the south line of Darbytown Road, approximately 1200 feet west of S. Laburnum Avenue, on part of parcel 812-701-5756. The zoning is R-5AC, General Residence District (Conditional) and RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Varina)**

1557

1558 Mr. Branin - Is anyone in opposition to POD-54-07, New Market Village,  
1559 Sections 1 and 2? No one? Mr. Wilhite, good morning to you.

1560

1561 Mr. Wilhite - Good morning. Thank you, Mr. Chairman. You just received  
1562 a revised site plan. The site plan removes lot 5A that was shown on the original. Lot 5A  
1563 was not shown on the exhibit with the zoning case and it was not part of conditional  
1564 approval of this subdivision. The remaining four lots in those areas were widened to fill  
1565 the space where 5A was. In addition, additional right-of-way information along  
1566 Darbytown was provided. Staff did have to make one annotation at the western edge of  
1567 Darbytown Road's frontage for a little bit of additional right-of way. The applicant is  
1568 agreeable to providing that.

1569

1570 We did get the information we requested as far as the materials and the colors on the  
1571 dwellings. Basically, there are four different types of basic elevations being used or  
1572 basic model types being used for the zero lot line dwellings. One has been altered  
1573 slightly from the zoning exhibits to provide a front-loading garage. One other one also is  
1574 a little bit short of the 2,000 square feet finished floor area that was proffered. The  
1575 applicant will be adjusting either the footprint or providing a morning room that's shown  
1576 as optional on the architectural plans. The rest of the elevations provided are in  
1577 substantial conformance with the zoning case.

1578

1579 Staff can recommend approval of the revised site plan with the conditions shown on  
1580 your agenda.

1581

1582 Mr. Branin - Does anybody have any other questions for Mr. Wilhite? Mr.  
1583 Wilhite, do the time limits need to be waived?

1584

1585 Mr. Wilhite - No sir. We received the revised plan last week.

1586

1587 Mr. Branin - Mr. Secretary, do you have any questions?

1588

1589 Mr. Silber - No sir.  
1590  
1591 Mr. Branin - Do you need to hear from the applicant?  
1592  
1593 Mr. Silber - No.  
1594  
1595 Mr. Branin - Has Ray said this one is good to go? On this case, is Ray  
1596 good with this?  
1597  
1598 Mr. Vanarsdall - Yes.  
1599  
1600 Mr. Branin - Okay. You want to take the motion?  
1601  
1602 Mr. Vanarsdall - Okay. I move POD-54-07, New Market Village, Sections 1  
1603 and 2, be approved with annotations on the plans, standard conditions for development  
1604 of this type, and the following conditions 24 through 41.  
1605  
1606 Mr. Archer - Second.  
1607  
1608 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr. Archer. All  
1609 in favor say aye. All opposed say no. The ayes have it; the motion carries.  
1610  
1611 The Planning Commission approved POD-54-07, New Market Village, Sections 1 and 2,  
1612 subject to the annotations on the plans, the standard conditions attached to these  
1613 minutes for developments of this type, and the following additional conditions:  
1614  
1615 24. The subdivision plat for New Market Village shall be recorded before any building  
1616 permits are issued.  
1617 25. The easements for drainage and utilities as shown on approved plans shall be  
1618 granted to the County in a form acceptable to the County Attorney prior to any  
1619 occupancy permits being issued. The easement plats and any other required  
1620 information shall be submitted to the County Real Property Agent at least sixty  
1621 (60) days prior to requesting occupancy permits.  
1622 26. The developer shall provide fire hydrants as required by the Department of Public  
1623 Utilities and Division of Fire.  
1624 27. Prior to issuance of a certificate of occupancy for any building in this  
1625 development, the engineer of record shall certify that the site has been graded in  
1626 accordance with the approved grading plans.  
1627 28. The proffers approved as a part of zoning case C-79C-05 shall be incorporated in  
1628 this approval.  
1629 29. Any necessary off-site drainage and/or water and sewer easements must be  
1630 obtained in a form acceptable to the County Attorney prior to final approval of the  
1631 construction plans.  
1632 30. Deviations from County standards for pavement, curb or curb and gutter design  
1633 shall be approved by the County Engineer prior to final approval of the  
1634 construction plans by the Department of Public Works.

- 1635 31. The pavement shall be of an SM-2A type and shall be constructed in accordance  
1636 with County standard and specifications. The developer shall post a defect bond  
1637 for all pavement with the Department of Planning - the exact type, amount and  
1638 implementation shall be determined by the Director of Planning, to protect the  
1639 interest of the members of the Homeowners Association. The defect bond shall  
1640 remain in effect for a period of three years from the date of the issuance of the  
1641 final occupancy permit. Prior to the issuance of the last Certificate of Occupancy,  
1642 a professional engineer must certify that the roads have been designed and  
1643 constructed in accordance with County standards.
- 1644 32. Approval of the construction plans by the Department of Public Works does not  
1645 establish the curb and gutter elevations along the Henrico County maintained  
1646 right-of-way. The elevations will be set by Henrico County.
- 1647 33. The location of all existing and proposed utility and mechanical equipment  
1648 (including HVAC units, electric meters, junction and accessory boxes,  
1649 transformers, and generators) shall be identified on the landscape plans. All  
1650 equipment shall be screened by such measures as determined appropriate by  
1651 the Director of Planning or the Planning Commission at the time of plan approval.
- 1652 34. A note in bold lettering shall be provided on the erosion control plan indicating  
1653 that sediment basins or traps located within buildable areas or building pads shall  
1654 be reclaimed with engineered fill. All materials shall be deposited and compacted  
1655 in accordance with the applicable sections of the state building code and  
1656 geotechnical guidelines established by the engineer. An engineer's report  
1657 certifying the suitability of the fill materials and its compaction shall be submitted  
1658 for review and approval by the Director of Planning and Director of Public Works  
1659 and the Building Official prior to the issuance of any building permit(s) on the  
1660 affected sites.
- 1661 35. Except for junction boxes, meters, and existing overhead utility lines, and for  
1662 technical or environmental reasons, all utility lines shall be underground.
- 1663 36. The unit house numbers shall be visible from the parking areas and drives.
- 1664 37. The names of streets, drives, courts and parking areas shall be approved by the  
1665 Richmond Regional Planning District Commission and such names shall be  
1666 included on the construction plans prior to their approval. The standard street  
1667 name signs shall be installed prior to any occupancy permit approval.
- 1668 38. Windows on the zero lot line side of the dwelling can only be approved with an  
1669 exception granted by the Building Official and the Director of Planning during the  
1670 building permit application process.
- 1671 39. Roof edge ornamental features that extend over the zero lot line, and which are  
1672 permitted by Section 24-95(i)(1), must be authorized in the covenants.
- 1673 40. Eight-foot easements for construction, drainage, and maintenance access for  
1674 abutting lots shall be provided and shown on the POD plans.
- 1675 41. Building permit request for individual dwellings shall each include two (2) copies  
1676 of a layout plan sheet as approved with the plan of development. The developer  
1677 may utilize alternate building types providing that each may be located within the  
1678 building footprint shown on the approved plan. Any deviation in building footprint  
1679 or infrastructure shall require submission and approval of an administrative site  
1680 plan.



1715 The Planning Commission approved POD-60-07, New Market Veterinary Clinic, subject  
1716 to the annotations on the plans, the standard conditions attached to these minutes for  
1717 developments of this type, and the following additional conditions:  
1718

- 1719 24. The easements for drainage and utilities as shown on approved plans shall be  
1720 granted to the County in a form acceptable to the County Attorney prior to any  
1721 occupancy permits being issued. The easement plats and any other required  
1722 information shall be submitted to the County Real Property Agent at least sixty  
1723 (60) days prior to requesting occupancy permits.
- 1724 25. The limits and elevations of the 100-year frequency flood shall be conspicuously  
1725 noted on the plan "Limits of 100 Year Floodplain." In addition, the delineated  
1726 100-year floodplain must be labeled "Variable Width Drainage and Utility  
1727 Easement." The easement shall be granted to the County prior to the issuance of  
1728 any occupancy permits.
- 1729 26. The entrances and drainage facilities on New Market Road (State Route 5) shall  
1730 be approved by the Virginia Department of Transportation and the County.
- 1731 27. A notice of completion form, certifying that the requirements of the Virginia  
1732 Department of Transportation entrances permit have been completed, shall be  
1733 submitted to the Department of Planning prior to any occupancy permits being  
1734 issued.
- 1735 28. The developer shall provide fire hydrants as required by the Department of Public  
1736 Utilities and Division of Fire.
- 1737 29. Outside storage shall not be permitted.
- 1738 30. The proffers approved as a part of zoning case C-52C-06 shall be incorporated in  
1739 this approval.
- 1740 31. Any necessary off-site drainage and/or water and sewer easements must be  
1741 obtained in a form acceptable to the County Attorney prior to final approval of the  
1742 construction plans.
- 1743 32. Deviations from County standards for pavement, curb or curb and gutter design  
1744 shall be approved by the County Engineer prior to final approval of the  
1745 construction plans by the Department of Public Works.
- 1746 33. Insurance Services Office (ISO) calculations must be included with the plans and  
1747 contracts and must be approved by the Department of Public Utilities prior to the  
1748 issuance of a building permit.
- 1749 34. Approval of the construction plans by the Department of Public Works does not  
1750 establish the curb and gutter elevations along the Virginia Department of  
1751 Transportation maintained right-of-way. The elevations will be set by the  
1752 contractor and approved by the Virginia Department of Transportation.
- 1753 35. The certification of building permits, occupancy permits and change of  
1754 occupancy permits for individual units shall be based on the number of parking  
1755 spaces required for the proposed uses and the amount of parking available  
1756 according to approved plans.
- 1757 36. The location of all existing and proposed utility and mechanical equipment  
1758 (including HVAC units, electric meters, junction and accessory boxes,  
1759 transformers, and generators) shall be identified on the landscape plans. All

- 1760 equipment shall be screened by such measures as determined appropriate by  
 1761 the Director of Planning or the Planning Commission at the time of plan approval.  
 1762 37. Except for junction boxes, meters, and existing overhead utility lines, and for  
 1763 technical or environmental reasons, all utility lines shall be underground.  
 1764 38. **ADDED** – Road widening, curb and gutter, and sidewalk shall be constructed by  
 1765 the owner along the north side of New Market Road (State Route 5), in  
 1766 accordance with Henrico County and Virginia Department of Transportation  
 1767 standards, when the adjacent property to the west (Parcel 814-690-1456) is  
 1768 developed.  
 1769

1770 **SUBDIVISION (*Deferred from the July 25, 2007 Meeting*)**  
 1771

SUB-25-07 Carters Green (April 2007 Plan) – Meadow Road	<b>Austin Brockenbrough &amp; Associates, L.L.P. for Rusty Acres:</b> The 23.8-acre site proposed for a subdivision of 41 single-family zero lot line homes is located on the south line of Meadow Road, approximately 0.70 mile east of Hanover Road (Route 156), on parcels 832-719-2212 and 832-718-1235. The zoning is R-5AC, General Residence District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. <b>(Varina)</b> <b>41 Lots</b>
--	--

- 1772  
 1773 Mr. Branin - Is anyone in opposition to SUB-25-07, Carters Green (April  
 1774 2007 Plan)? No one. Okay. Mr. Kennedy. Glad to see you. What do you have for us?  
 1775  
 1776 Mr. Vanarsdall - Was that you that sneezed and blew everybody's hairpiece  
 1777 off?  
 1778  
 1779 Mr. Kennedy - My apologies. I need your blessings, that's what it was.  
 1780  
 1781 Mr. Vanarsdall - It's bound to feel better.  
 1782  
 1783 Mr. Kennedy - Thank you. Carters Green has been deferred since the April  
 1784 meeting. The plan is the same as what was presented at that time. The issue that's held  
 1785 up the developer is actually getting wetlands permits. The street actually cross over  
 1786 major wetlands. He has now been able to obtain the permits that are necessary for the  
 1787 development of this site and he can now move forward with it. If you have any  
 1788 questions, I'll be happy to answer them.  
 1789  
 1790 Mr. Branin - Okay. Does anybody have any questions for Mr. Kennedy?  
 1791  
 1792 Mr. Vanarsdall - I don't.  
 1793  
 1794 Mr. Branin - None?  
 1795  
 1796 Mr. Vanarsdall - This one's in good order.



1797  
1798 Mr. Branin - All right. Do we need to hear from the applicant?  
1799  
1800 Mr. Vanarsdall - Don't need it.  
1801  
1802 Mr. Branin - Okay. Are you ready to present a motion?  
1803  
1804 Mr. Vanarsdall - I move SUB-25-07, Carters Green (April 2007 Plan), be  
1805 approved with annotations on the plans, standard conditions for subdivisions served by  
1806 public utilities, and conditions 12 through 16.  
1807  
1808 Mrs. Jones - Second.  
1809  
1810 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mrs. Jones. All  
1811 in favor say aye. All opposed say no. The ayes have it; the motion carries.  
1812  
1813 The Planning Commission granted conditional approved to SUB-25-07, Carters Green  
1814 (April 2007 Plan), subject to standard conditions attached to these minutes for  
1815 subdivisions served by public utilities, the annotations on the plans, and the following  
1816 additional conditions:  
1817  
1818 12. Each lot shall contain at least 5,625 square feet, exclusive of the flood plain  
1819 areas.  
1820 13. The limits and elevation of the 100-year frequency flood shall be conspicuously  
1821 noted on the plat and construction plans and labeled "Limits of 100-year  
1822 floodplain." Dedicate floodplain as a "Variable Width Drainage & Utilities  
1823 Easement."  
1824 14. The proffers approved as a part of zoning case C-62C-05 shall be incorporated in  
1825 this approval.  
1826 15. Prior to requesting the final approval, a draft of the covenants and deed  
1827 restrictions for the maintenance of the common area by a homeowners  
1828 association shall be submitted to the Department of Planning for review. Such  
1829 covenants and restrictions shall be in a form and substance satisfactory to the  
1830 County Attorney and shall be recorded prior to recordation of the subdivision plat.  
1831 16. Any future building lot containing a BMP, sediment basin or trap and located  
1832 within the buildable area for a principal structure or accessory structure, may be  
1833 developed with engineered fill. All material shall be deposited and compacted in  
1834 accordance with the Virginia Uniform Statewide Building Code and geotechnical  
1835 guidelines established by a professional engineer. A detailed engineering report  
1836 shall be submitted for the review and approval by the Building Official prior to the  
1837 issuance of a building permit on the affected lot. A copy of the report and  
1838 recommendations shall be furnished to the Directors of Planning and Public  
1839 Works.

1840  
1841 **SUBDIVISION**  
1842

SUB-46-07  
Long Bridge Estates  
(September 2007 Plan)  
Long Bridge Road and  
Carter's Mill Road

**Kestner-Werner, LLC for John W. Gibbs, Jr.:** The 22.80-acre site proposed for a subdivision of 17 single-family homes is located on Long Bridge Road approximately 8050 feet southwest of the intersection with Carter's Mill Road on parcel 842-683-7262. The zoning is A-1, Agricultural District and ASO (Airport Safety Overlay) District. Individual well and septic tank/drainfield. **(Varina) 17 Lots**

1843

1844 Mr. Branin - Is anyone in opposition to SUB-46-07, Long Bridge Estates  
1845 (September 2007 Plan)? There's no one else really in the room, so I guess not. Lee?

1846

1847 Mr. Pambid - Thank you, sir. The applicant has resolved issues noted  
1848 with the plan. Per Public Works policy, the applicant will dedicate the necessary ultimate  
1849 right-of-way of 66 feet or greater along Long Bridge and Carters Mill Roads. This is  
1850 annotated on the handout that you just received. Staff recommends conditional  
1851 approval subject to the annotations on the plans and the conditions listed in the agenda.  
1852 This concludes my presentation and I'd be happy to answer any questions. Engineer  
1853 Adam Werner with Kestner-Werner, is also here to answer any of your questions, as are  
1854 the applicants.

1855

1856 Mr. Branin - Okay. Thank you, Lee. Does anybody have any questions  
1857 for Lee in regards to Long Bridge? No one?

1858

1859 Mr. Vanarsdall - Do we need to hear from the applicant?

1860

1861 Mr. Branin - Does anybody need to hear from the applicant? Well, all  
1862 right, then, I'll entertain a motion.

1863

1864 Mr. Vanarsdall - I move SUB-46-07, Long Bridge Estates (September 2007  
1865 Plan), be approved with annotations on the plans, standard conditions for subdivisions  
1866 not served by public utilities, and conditions 11 through 16.

1867

1868 Mr. Archer - Second.

1869

1870 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr. Archer. All  
1871 in favor say aye. All opposed say no. The ayes have it; the motion carries.

1872

1873 Mr. Silber - That concludes the consideration of plans this morning. We  
1874 have the minutes to approve from the July 25, 2007 meeting.

1875

1876 **APPROVAL OF MINUTES: July 25, 2007**

1877

1878 Mr. Branin - Any corrections noted on the minutes? Anyone? Anyone?

1879

1880 Mrs. Jones - No sir, I don't.

1881  
1882 Mr. Branin - What? You didn't read them, did you?  
1883  
1884 Mrs. Jones - Let's just continue.  
1885  
1886 Mr. Vanarsdall - That's personal.  
1887  
1888 Mrs. Jones - I'm just waiting for someone to make a motion.  
1889  
1890 Mr. Vanarsdall - I move that we approve the minutes as they are.  
1891  
1892 Mr. Branin - All right.  
1893  
1894 Mr. Vanarsdall - As written. As printed.  
1895  
1896 Mr. Archer - Mr. Chairman, I was not here on July 25<sup>th</sup> and find no fault  
1897 with the minutes at all.  
1898  
1899 Mr. Vanarsdall - That doesn't make any difference; you can still second it.  
1900  
1901 Mr. Archer - But I'll second it.  
1902  
1903 Mr. Branin - Motion was made by Mr. Vanarsdall, seconded by Mr.  
1904 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion carries.  
1905  
1906 The Planning Commission approved the July 25, 2007 minutes as written.  
1907  
1908 Mr. Branin - Do you have anything else, Mr. Secretary?  
1909  
1910 Mr. Silber - Yes I do.  
1911  
1912 Mr. Branin - Oh, I'm sure you do.  
1913  
1914 Mr. Vanarsdall - You know we're going to have something else.  
1915  
1916 Mr. Silber - You may note at the end of your addendum that there is a  
1917 discussion item that has been added. This is to set a work session and public hearing  
1918 for amendments to the subdivision ordinance relating to floodplains. As you may recall  
1919 at the last meeting, you did set work sessions and public hearings regarding some  
1920 ordinance amendments on floodplains that related to our zoning regulations. We now  
1921 realize from the County Attorney's office, that we will also have to go into our  
1922 subdivision regulations and make some changes. So, following the letter of the law  
1923 here, we really should probably set a work session and a public hearing for  
1924 consideration of amendments to the County's subdivision ordinance. We're  
1925 recommending the work session and public hearing be the same as those that you had

1926 previously set of October 11<sup>th</sup> at 5:15 for the work session, and October 24<sup>th</sup> at 10 a.m.  
1927 for the public hearing.  
1928  
1929 Mr. Branin - Okay.  
1930  
1931 Mrs. Jones - Okay.  
1932  
1933 Mr. Branin - Aimee, could you do me one favor? Could you grab Jim  
1934 Strauss? Don't let him out of the building yet. Thanks. Would someone like to make a  
1935 motion for the work session?  
1936  
1937 Mrs. Jones - I so move.  
1938  
1939 Mr. Silber - And the public hearing.  
1940  
1941 Mr. Branin - And the public hearing?  
1942  
1943 Mr. Archer - Do you need a separate motion?  
1944  
1945 Mr. Silber - No.  
1946  
1947 Mr. Archer - Okay.  
1948  
1949 Mrs. Jones - Okay. I move that those dates and times be set for our work  
1950 session and public hearing.  
1951  
1952 Mr. Archer - I second.  
1953  
1954 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr. Archer. All in  
1955 favor say aye. All opposed say no. The ayes have it; the motion carries.  
1956  
1957 Mr. Vanarsdall - What are the times and dates of that now?  
1958  
1959 Mrs. Jones - October 11<sup>th</sup> at 5:15; October 24<sup>th</sup> at 10 a.m.  
1960  
1961 Mr. Vanarsdall - Okay. You're going to send us some data on that.  
1962  
1963 Mr. Silber - We will be sending out information to you on that. You'll  
1964 note that the work session on October 11<sup>th</sup> is your zoning hearing. And because it's at  
1965 5:15 p.m., we will be providing a meal. So, you can count on a wonderful meal, as  
1966 always has been provided in the past. We will conduct those work sessions and then  
1967 the public hearing is October 24<sup>th</sup>. That's your POD meeting. We will set that at 10:00  
1968 a.m. so you'll have those public hearings at the end of the POD meeting on the 24<sup>th</sup>.  
1969 Okay, that's all I had.  
1970  
1971 Mr. Branin - That's enough.

1972  
1973 Mr. Archer - Mr. Chairman, without further ado, I move for adjournment.  
1974  
1975 Mr. Vanarsdall - I second it.  
1976  
1977 Mr. Branin - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in  
1978 favor say aye. All opposed say no. The ayes have it; the motion carries. We're  
1979 adjourned.

1980  
1981 On a motion by Mr. Archer and seconded by Mr. Vanarsdall, the Planning Commission  
1982 adjourned its September 26, 2007 meeting at 10:15 a.m.

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1984  
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Tommy Branin, Chairman

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Randall R. Silber, Secretary  
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