

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 24, 2008.

5

Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)
Mrs. Bonnie-Leigh Jones, Vice Chairperson (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mr. Tommy Branin (Three Chopt)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary
Mr. Richard W. Glover (Brookland)
Board of Supervisors Representative

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
Mrs. Aimee Berndt, County Planner
Mr. Jonathan W. Steele, G.I.S. Manager
Mr. Mike Jennings, Traffic Engineer
Ms. Kim Vann, Police Division
Ms. Holly Zinn, Recording Secretary

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

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11 Mr. Jernigan - Good morning, ladies and gentlemen. On behalf of the
12 Planning Commission and the Planning Staff, we'd like to welcome you to our
13 September 24, 2008 hearing for subdivisions and POD's.

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15 With us this morning we have Mr. Glover, who is our sitting member from the Board of
16 Supervisors. Good morning, Mr. Glover.

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18 Mr. Glover - Good morning.

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20 Mr. Branin - Good morning, Mr. Glover.

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22 Mr. Jernigan - We also have a new member to staff, Holly Zinn. Holly,
23 would you stand up, please? Welcome. You are standing up. Okay. Welcome
24 aboard. Glad to have you with us.

25
26 All right. At this time, I will turn the meeting over to Mr. Emerson, our secretary.

27
28 Mr. Emerson - Thank you, Mr. Chairman. The first item on your agenda
29 today is the request for deferrals and withdrawals, and those will be presented by Ms.
30 Leslie News.

31
32 Ms. News - Yes, sir. Good morning Mr. Chairman, members of the
33 Commission.

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35 Mr. Jernigan - Good morning, Ms. News.

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37 Mr. Vanarsdall - Good morning.

38
39 Ms. News - We have four requests for deferrals and withdrawals that
40 staff is aware of. The first item is found on page 11 of your agenda and is located in the
41 Varina District. This is POD-52-08 (or POD-34-08 revised), Audubon North. The
42 applicant has requested a deferral to the October 22, 2008 meeting.

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44 **PLAN OF DEVELOPMENT** (*Deferred from the July 23, 2008 Meeting*)

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59 Ms. News - The next item is on page 13 of your agenda and is located in
60 the Three Chopt District. This is POD-41-07, Pouncey Place Phase I. The applicant is
61 requesting a deferral to the December 17, 2008 meeting.

62
63 **PLAN OF DEVELOPMENT** (*Deferred from the June 25, 2008 Meeting*)
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POD-41-07 **Bay Design Group, P.C. for Pouncey Place, LLC:**
Pouncey Place Phase I – Request for approval of a plan of development, as required
Twin Hickory Lake Dr. and by Chapter 24, Section 24-106 of the Henrico County
Pouncey Tract Rd. Code, to construct a shopping center with two, one-story
(POD-57-86 Rev.) buildings for a total of 27,630 sq. 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 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)**

65
66 Mr. Jernigan - Is there any opposition to the deferral of POD-41-07,
67 Pouncey Place Phase I (POD-57-86 Rev.)? There is no opposition.

68
69 Mr. Branin - Mr. Chairman, I'd like to move that POD-41-07, Pouncey
70 Place Phase I (POD-57-86 Rev.), be deferred to the December 17, 2008 meeting, per
71 the applicant's request.

72
73 Mr. Vanarsdall - Second.

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

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78 At the request of the applicant, the Planning Commission deferred POD-41-07, Pouncey
79 Place Phase I (POD-57-86 Rev.), to its December 17, 2008 meeting.

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81 Ms. News - Next on page 16 of your agenda and located in the
82 Tuckahoe District is POD-68-07, The Shire @ Pump and Church. The applicant is
83 requesting a deferral to the November 19, 2008 meeting.

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94 **PLAN OF DEVELOPMENT & MASTER PLAN** (*Deferred from the July 23, 2008*
95 *Meeting*)
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POD-68-07
The Shire @ Pump and
Church – Church Road
and Pump Road

Kimley Horn for Kevin McFadden and The Rebkee Company: Request for approval of a plan of development and master plan as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct five, one-story retail buildings (Buildings 1-5) totaling 50,480 square feet and a master plan for a future one-story retail building (Building 6) totaling 12,900 square feet. The 21-acre site is located at the southwest corner of the intersection of Pump and Church Roads on parcels 739-754-7156 and 739-753-1396. The zoning is B-2C, Business District (Conditional), C-1C, Conservation District, RTHC, Residential Townhouse District (Conditional) and R-3AC, One-Family Residence District (Conditional), B-3, Business District and R-5A, General Residence District. County water and sewer. **(Tuckahoe)**

97
98 Mr. Jernigan - Is there any opposition to the deferral of POD-68-07, The
99 Shire @ Pump and Church? There is no opposition, Mrs. Jones.

100
101 Mrs. Jones - I move deferral of POD-68-07, The Shire @ Pump and
102 Church, to the November 19, 2008 meeting, per the applicant's request.

103
104 Mr. Vanarsdall - Second.

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

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109 At the request of the applicant, the Planning Commission deferred POD-68-07, The
110 Shire @ Pump and Church, to its November 19, 2008 meeting.

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112 Ms. News - The final item is on page 28 of your agenda and is located in
113 the Three Chopt District. This is POD-56-08, Mayland Medical Center. The applicant is
114 requesting a deferral to the November 19, 2008 meeting.

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

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POD-56-08 **Potts, Minter & Associates, P.C. for Commonwealth**
Mayland Medical Center – **Foundation for Cancer Research and Tropoli, Inc.:**
Mayland Ct. Request for approval of a plan of development and
transitional buffer deviation, as required by Chapter 24,
Sections 24-106 and 24-106.2 of the Henrico County
Code, to construct a one-story, 15,400 square foot medical
office building and a two-story, 24,025 square foot medical
office building. The transitional buffer deviation request is
to reduce the width of the transitional buffer along the
southeast and part of the northeast property lines. The
3.60-acre site is located along the east line of Mayland Ct.,
approximately 375 feet south of Mayland Dr. on parcel
752-757-8824. The zoning is M-1C, Light Industrial District
(Conditional). County water and sewer. **(Three Chopt)**

127

128 Mr. Jernigan - Is there any opposition to the deferral of POD-56-08,
129 Mayland Medical Center? No opposition, Mr. Branin.

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131 Mr. Branin - Thank you, Mr. Chairman. Mr. Chairman, I'd like to move
132 that POD-56-08, Mayland Medical Center, be deferred to November 19, 2008, per the
133 applicant's request.

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135 Mr. Vanarsdall - Second.

136

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

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140 At the request of the applicant, the Planning Commission deferred POD-56-08, Mayland
141 Medical Center to its November 19, 2008 meeting.

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143 Ms. News - Staff is not aware of any further requests.

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145 Mr. Vanarsdall - I have one, Ms. News. Is anyone here representing Aaron
146 Rents?

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156 **TRANSFER OF APPROVAL**

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POD-124-87
Aaron Rents
(Formerly La-Z-Boy
Furniture)
W. Broad St

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

158

159 Mr. Vanarsdall - I move that POD-124-87, Aaron Rents (Formerly La-Z-Boy
160 Furniture), be deferred to the October 22, 2008 meeting, at the request of the
161 Commission.

162

163 Mr. Archer - Second.

164

165 Ms. News - It's on page 4 of your agenda.

166

167 Mr. Jernigan - All right, do we have a second?

168

169 Mr. Branin - Second.

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171 Mr. Archer - Yes, I seconded it.

172

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

175

176 At the request of the Commission, the Planning Commission deferred Aaron Rents
177 (Formerly La-Z-Boy Furniture), to its October 22, 2008 meeting.

178

179 Mr. Emerson - Mr. Chairman, that takes you to the next item on your
180 agenda, which is the expedited agenda. That will be presented by Ms. News as well.

181

182 Ms. News - Yes, sir. We have nine items on our expedited agenda this
183 morning. The first item is on page 3 of your agenda and is located in the Brookland
184 District. This is a transfer of approval for POD-86-75, Little Caesars Pizza in the Laurel
185 Park Shopping Center. There is an addendum item on page 1 of your addendum. The
186 addendum indicates several of the inspection items that were originally identified have
187 already been addressed, and the applicant has agreed to touch up some painting on the
188 building. There is a revised condition #1 reflecting this current situation. Staff can
189 recommend approval.

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192

193 **TRANSFER OF APPROVAL**

194

POD-86-75
Little Caesars Pizza
(Formerly 7-11) - Laurel
Park Shopping Center –
9514 Woodman Rd.

Robert C. Perry, Jr. for JD Properties, Ltd. Partnership:
Request for transfer of approval as required by Chapter
24, Section 24-106 of the Henrico County Code from the
Southland Corporation to JD Properties, Ltd. Partnership.
The 0.722-acre site is located on the west line of
Woodman Rd., approximately 240 feet north of Hungary
Rd. on parcel 773-759-9426. The zoning is B-2C District
(Conditional). County water and sewer. **(Brookland)**

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196 Mr. Jernigan - Is there any opposition to transfer of approval POD-86-75,
197 Little Caesars Pizza (Formerly 7-11)? There is no opposition.

198

199 Mr. Vanarsdall - I move that transfer of approval POD-86-75, Little Caesars
200 Pizza (Formerly 7-11), be approved with the revision on the addendum, which is #1.
201 We have also identified the deficiencies, but I want to be more specific on a couple of
202 them. I want to scrape off the rust and repaint the back door; and paint the electrical
203 boxes, the conduit, and the drainpipe on the brick. It doesn't have to match the brick,
204 but it needs to be a brick color. I've talked to Mr. Jennings, and they're working on the
205 stop sign. That's it.

206

207 Mr. Branin - Second.

208

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

211

212 The Planning Commission approved the transfer of approval request for POD-86-75,
213 Little Caesars Pizza (Formerly 7-11), from the Southland Corporation to JD Properties,
214 Ltd. Partnership, subject to the standard and added conditions previously approved and
215 the following additional condition:

216

217 ~~1. A bond shall be posted to cover the site deficiencies as identified in the~~
218 ~~inspection report, dated June 2, 2008, and such deficiencies shall be corrected~~
219 ~~by October 31, 2008.~~

220

221 1. **REVISED** - The deficiencies, which include installing a stop sign and marking the
222 stop bar as identified in the inspection report dated June 2, 2008, as well as
223 touch-up painting on the building as requested, shall be corrected by September
224 26, 2008, or a bond shall be posted.

225

226 Ms. News - The next item is on page 5 of your agenda and is located in
227 the Varina District. This is a transfer of approval for POD-141-83, Wyndham RIC Airport
228 Hotel, which is formerly the Sheraton Airport Hotel. There is an addendum item on
229 page 1 of the addendum, which corrects the magisterial district from Brookland to
230 Varina. Staff can recommend approval.

231 **TRANSFER OF APPROVAL**

232

POD-141-83
Wyndham RIC Airport
Hotel
(Formerly Sheraton Airport
Hotel)
Laburnum Ave. and
Audubon Dr.

Thompson McMullan, P.C. for RMS Airport Hotel, LLC:
Request for transfer of approval as required by Chapter
24, Section 24-106 of the Henrico County Code from
BRE/Richmond Airport LLC and Airport Garden LP to RMS
Airport Hotel, LLC. The 4.384-acre site is located at the
northwest corner of the intersection of S. Laburnum Ave.
and Audubon Dr. on parcel 815-716-2042. The zoning is
B-2C, Business District (Conditional) and ASO, Airport
Safety Overlay District. County water and sewer.
(Brookland) (Varina)

233

234 Mr. Jernigan - Is there any opposition to transfer of approval POD-141-83,
235 Wyndham RIC Airport Hotel (formerly Sheraton Airport Hotel)? There is no opposition.
236 With that, I will move for approval of transfer of approval POD-141-83, Wyndham RIC
237 Airport Hotel (formerly Sheraton Airport Hotel), with the addition of addendum #1
238 correction.

239

240 Mrs. Jones - Second.

241

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

244

245 The Planning Commission approved the transfer of approval request for POD-141-83,
246 Wyndham RIC Airport Hotel (formerly Sheraton Airport Hotel), from BRE/Richmond
247 Airport LLC and Airport Garden LP to RMS Airport Hotel, LLC, subject to the standard
248 and added conditions previously approved and the following additional condition:

249

- 250 1. A bond shall be posted to cover the site deficiencies as identified in the
251 inspection report, dated **August 13, 2008**, and such deficiencies shall be
252 corrected by **November 30, 2008**.

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254 Ms. News - Next, on page 7 of your agenda and located in the Fairfield
255 District is a transfer of approval for POD-54-78, Woodman West Apartments. Staff
256 recommends approval.

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TRANSFER OF APPROVAL

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POD-54-78
Woodman West
Apartments
1812 Blackburn Road East

Richard Hurlbert, Esq. for Woodman West Preservation, LP: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Woodman West to Woodman West Preservation, LP. The 16.64-acre site is located on the east side of Woodman Rd. across from its intersection with Blackburn Rd. on parcel 774-762-2237. The zoning is R-5 General Residence District. County water and sewer. **(Fairfield)**

Mr. Jernigan - Is there any opposition to transfer of approval POD-54-78, Woodman West Apartments? There is no opposition, Mr. Archer.

Mr. Archer - Mr. Chairman, I move for approval of this transfer of approval POD-54-78, Woodman West Apartments, subject to the staff recommendation and condition one.

Mr. Vanarsdall - Second.

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

The Planning Commission approved the transfer of approval request for POD-54-78, Woodman West Apartments, from Woodman West to Woodman West Preservation, LP, subject to the standard and added conditions previously approved and the following additional condition:

1. The applicant shall comply with the terms of the Letter of Agreement from Woodman West, LP to Henrico County with respect to the rehabilitation of Woodman West Apartments by September 29, 2009.

Ms. News - The next item is on page 8 of your agenda and is located in the Tuckahoe District. This is a transfer of approval for POD-04-73, Long and Foster Building, which is formerly the 7,909-Square-Foot Office Building. Staff can recommend approval.

TRANSFER OF APPROVAL

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POD-04-73
Long and Foster Building
(Formerly 7,909 SF Office
Building)
8411 Patterson Ave.

Noah K. McKinney, Sr. for Patterson Avenue Land Holdings, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Richard Nelms and JCB Company, LC to Patterson Avenue Land Holdings, LLC. The 0.553-acre site is located on the south line of Patterson Avenue (State Route 6), approximately 500 feet west of Glendale Drive on parcel 755-741-0022. The zoning is O-2, Office District. County water and sewer. **(Tuckahoe)**

Mr. Jernigan - Is there any opposition to POD-04-73, Long and Foster Building (formerly 7,909 SF Office Building)? There is no opposition.

Mrs. Jones - All right. With staff approval and the deficiencies being met, I move for approval of transfer of approval POD-04-73, Long and Foster Building (formerly 7,909 SF Office Building).

Mr. Vanarsdall - Second.

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

The Planning Commission approved the transfer of approval request for POD-04-73, Long and Foster Building (formerly 7,909 SF Office Building), from Richard Nelms and JCB Company, LC to Patterson Avenue Land Holdings, LLC, subject to the standard and added conditions previously approved.

Ms. News - The next item is on page 14 of your agenda and is located in the Varina District. This is POD-26-08 (or POD-80-07 revised), the Virginia Credit Union at the Laburnum and Eubank Center. Staff can recommend approval.

PLAN OF DEVELOPMENT AND LIGHTING PLAN

343

POD-26-08
Virginia Credit Union at
the Laburnum and Eubank
Center – Laburnum Ave.
(POD-80-07 Rev.)

**Draper Aden Associates for Virginia Credit Union and
JG Laburnum LLC & R L LLC:** 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, 4,097 square foot bank building
with drive-through facilities in a proposed shopping center.
The 4.97-acre site is located between S. Laburnum Ave.
and Robins Rd., at the northeast corner of the intersection
of S. Laburnum Ave. and Eubank Rd. on parcels 816-712-
7520 and 7437. The zoning is B-3C, Business District
(Conditional) and ASO, Airport Safety Overlay District.
County water and sewer. **(Varina)**

344

345 Mr. Jernigan - Is there any opposition to the approval of POD-26-08,
346 Virginia Credit Union at the Laburnum and Eubank Center (POD-80-07 Rev.)? There is
347 no opposition. With that, I will move for approval of POD-26-08, Virginia Credit Union at
348 the Laburnum and Eubank Center (POD-80-07 Rev.), subject to the annotations on the
349 plan, standard conditions for developments of this type, and the following additional
350 conditions #11B, #29 through 42.

351

352 Mr. Vanarsdall - Second.

353

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

356

357 The Planning Commission approved POD-26-08, Virginia Credit Union at the Laburnum
358 and Eubank Center (POD-80-07 Rev.), subject to the annotations on the plans, the
359 standard conditions attached to these minutes for developments of this type, and the
360 following additional conditions:

361

362 11B. Prior to the approval of an electrical permit application and installation of the site
363 lighting equipment, a plan including light spread and intensity diagrams, and
364 fixture specifications and mounting heights details shall be revised as annotated
365 on the staff plan and included with the construction plans for final signature.

366 29. Only retail business establishments permitted in a B-3, Business District may be
367 located in this center.

368 30. The ground area covered by all the buildings shall not exceed in the aggregate
369 25 percent of the total site area.

370 31. No merchandise shall be displayed or stored outside of the building(s) or on
371 sidewalk(s).

372 32. A concrete sidewalk meeting County standards shall be provided along the east
373 side of Laburnum Ave.

374 33. The proffers approved as a part of zoning case C-60C-06 shall be incorporated in
375 this approval.

- 376 34. A construction staging plan which includes details for traffic control, fire
377 protection, stockpile locations, construction fencing and hours of construction
378 shall be submitted for County review and prior to the approval of any final
379 construction plans.
- 380 35. In the event of any traffic backup which blocks the public right-of-way as a result
381 of congestion caused by the drive-up teller facilities, the owner/occupant shall
382 close the drive-up teller facilities until a solution can be designed to prevent traffic
383 backup.
- 384 36. Approval of the construction plans by the Department of Public Works does not
385 establish the curb and gutter elevations along the Henrico County maintained
386 right-of-way. The elevations will be set by Henrico County.
- 387 37. Evidence of a joint ingress/egress and maintenance agreement must be
388 submitted to the Department of Planning and approved prior to issuance of a
389 certificate of occupancy for this development.
- 390 38. All subsequent detailed plans of development needed to implement this
391 conceptual plan shall be submitted for staff review and Planning Commission
392 approval, and shall be subject to all regulations in effect at the time such
393 subsequent plans are submitted for review/ approval.
- 394 39. The location of all existing and proposed utility and mechanical equipment
395 (including HVAC units, electric meters, junction and accessory boxes,
396 transformers, and generators) shall be identified on the landscape plans. All
397 equipment shall be screened by such measures as determined appropriate by
398 the Director of Planning or the Planning Commission at the time of plan approval.
- 399 40. Except for junction boxes, meters, and existing overhead utility lines, and for
400 technical or environmental reasons, all utility lines shall be underground.
- 401 41. The applicant shall incorporate into the construction plans for signature any
402 comments generated by the County's Traffic Engineer from his review of the
403 Traffic Impact Study for this development.
- 404 42. A construction plan for POD 80-07 Laburnum and Eubank Center shall be
405 approved prior to the approval of any construction plan for this POD. All
406 improvements shown on the construction plan for POD 80-07 Laburnum and
407 Eubank Center shall be completed prior to the issuance of any Certificates of
408 Occupancy.

409
410 Ms. News - Next, on page 25 of your agenda and located in the
411 Brookland District is POD-58-08, (or formerly POD-118-83 and 51-91 revised),
412 Tuckahoe Ambulatory Surgery at Henrico Doctors Hospital (Parham Road Campus).
413 Staff can recommend approval.

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PLAN OF DEVELOPMENT

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424

POD-58-08
Tuckahoe Ambulatory
Surgery Center @
Henrico Doctors Hospital
(Parham Campus)
(POD-118-83 and 51-91
Rev.)

Timmons Group for Central Virginia Hospital, 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, 15,936 square foot
ambulatory surgery center on an existing hospital campus.
The 1.2-acre site is located on the north line of E. Parham
Rd. approximately 1,000 feet west of Hungary Springs Rd.
on part of parcels 765-754-0992 and 6585. The zoning is
O-3, Office District. County water and sewer. **(Brookland)**

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Mr. Jernigan - Is there any opposition to POD-58-08, Tuckahoe Ambulatory
Surgery Center @ Henrico Doctors Hospital (Parham Campus) (POD-118-83 and 51-91
Rev.)? There is no opposition.

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Mr. Vanarsdall - I recommend POD-58-08, Tuckahoe Ambulatory Surgery
Center @ Henrico Doctors Hospital (Parham Campus) (POD-118-83 and 51-91 Rev.),
be approved under the expedited agenda, subject to annotations on the plans, standard
conditions for developments of this type, and the following additional conditions 29
through 32.

435
436

Mr. Archer - Second.

437
438
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440

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

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The Planning Commission approved POD-58-08, Tuckahoe Ambulatory Surgery Center
@ Henrico Doctors Hospital (Parham Campus) (POD-118-83 and 51-91 Rev.), subject
to the annotations on the plans, the standard conditions attached to these minutes for
developments of this type, and the following additional conditions:

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29. A concrete sidewalk meeting County standards shall be provided along the north
side of Parham Rd.
30. The conceptual master plan, as submitted with this application, is for planning
and information purposes only.
31. The location of all existing and proposed utility and mechanical equipment
(including HVAC units, electric meters, junctions and accessory boxes,
transformers, and generators) shall be identified on the landscape plan. All
building mounted equipment shall be painted to match the building, and all
equipment shall be screened by such measures as determine appropriate by the
Director of Planning or the Planning Commission at the time of plan approval.
32. Except for junction boxes, meters, and existing overhead utility lines, and for
technical or environmental reasons, all utility lines shall be underground.

460 Ms. News - The next two subdivisions are dedication of public right-of-
461 way associated with the West Area Middle School. On page 26 of your agenda and
462 located in the Three Chopt District is SUB-23-08, Holman Ridge Road Extended
463 (September 2008 Plan) for zero lots. Staff can recommend approval.

464
465 **SUBDIVISION**

466
SUB-23-08 **Timmons Group for the County of Henrico:** The 0.69-
Holman Ridge Road acre site proposed for extension of Holman Ridge Rd. is
Extended located at the terminus of Holman Ridge Rd., approximately
(September 2008 Plan) 600 feet west of the intersection with Lemoore Dr. at 5601
Shady Grove Rd. on part of parcel 746-775-2094. The
zoning is A-1, Agricultural District. County water and sewer.
(Three Chopt) 0 Lot

467
468 Mr. Jernigan - Is there any opposition to SUB-23-08, Holman Ridge Road
469 Extended (September 2008 Plan)? There is no opposition.

470
471 Mr. Branin - Mr. Chairman, I'd like to move for approval of SUB-23-08,
472 Holman Ridge Road Extended (September 2008 Plan), subject to the annotations on
473 the plans and standard conditions for subdivisions served by public utilities.

474
475 Mr. Vanarsdall - Second.

476
477 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
478 favor say aye. All opposed say no. The ayes have it; the motion passes.

479
480 The Planning Commission granted conditional approval to SUB-23-08, Holman Ridge
481 Road Extended (September 2008 Plan), subject to the standard conditions attached to
482 these minutes for subdivisions served by public utilities and the annotations on the
483 plans.

484
485 Ms. News - Next, on page 27 and located in the Three Chopt District is
486 SUB-24-08, Concourse Boulevard Extended (September 2008 Plan), for zero lots. Staff
487 recommends approval.

488
489 **SUBDIVISION**

490
SUB-24-08 **Timmons Group for the County of Henrico:** The 0.252-
Concourse Blvd. Extended acre site proposed for extension of Concourse Blvd. is
(September 2008 Plan) located at the terminus of Concord Blvd. approximately 500
feet north of the intersection with Nuckols Rd. at 5601
Shady Grove Rd. on part of parcel 746-775-2094. The
zoning is A-1, Agricultural District. County water and sewer.
(Three Chopt) 0 Lot

530 Mr. Jernigan - Ms. News, we'll pull this off and hear it in its rotation.
 531
 532 Ms. News - Yes, sir. That completes our expedited agenda.
 533
 534 Mr. Jernigan - Thank you.
 535
 536 Mr. Emerson - Mr. Chairman, that takes you to the next item on your
 537 agenda, which is Subdivision Extensions of Conditional Approval. Those will be
 538 presented by Mr. Lee Pambid.
 539

540 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 541
 542 **FOR PLANNING COMMISSION APPROVAL**
 543

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
Newstead Landing (Sept. 2002 Plan)	30	17	5	Varina	09/23/2009
Approved					

544
 545 **FOR INFORMATIONAL PURPOSES ONLY**
 546

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
Britton Oaks, Sec. 1 (Sept. 2004 Plan)	26	26	3	Varina	09/23/2009
SUB-24-04 Bridleton Landing (Sept. 2004 Plan)	158	106	3	Varina	09/23/2009
SUB-25-07 Carters Green (April 2007 Plan)	41	41	0	Varina	09/23/2009
SUB-08-04 Gill Dale Forest (Sept. 2004 Plan)	34	34	3	Varina	09/23/2009
SUB-45-06 Greenwood Manor (Sept. 2006 Plan)	8	8	1	Fairfield	09/23/2009
Hidden Haven (Sept. 2004 Plan)	50	50	3	Varina	09/23/2009
SUB-46-07 Long Bridge Estates (Sept. 2007 Plan)	17	17	0	Varina	09/23/2009
SUB-82-06 Woodman Terrace, Sec. R (Sept. 2006 Plan)	7	7	1	Fairfield	09/23/2009

547
 548 Mr. Jernigan - Good morning, Mr. Pambid.

549 Mr. Pambid - Good morning.
550
551 Mr. Jernigan - You may proceed, sir.
552
553 Mr. Pambid - Thank you, sir. We have several items for informational
554 purposes only; however, we do have one conditional subdivision that would require your
555 attention and action. That one is Newstead Landing. By policy, if a subdivision has
556 previously been extended five times, the Planning Commission has to act on it. With
557 Newstead Landing, some fill has already taken place on site, and the fiber optic cable
558 needs to be dropped about three or four feet at the entrance. Those are some of the
559 issues that they're dealing with. They do request an extension for a sixth time.
560
561 Mr. Jernigan - Okay. For the Commission, I don't know if you remember
562 that Newstead was the one that was off Osborne where they had to pull media out of
563 the James River. It was low. They've worked pretty hard down there. It is a nice
564 subdivision, what they've put up so far, so I'm okay with another extension.
565
566 With that, I will move for approval of Newstead Landing, the September 2002 plan.
567 Mrs. Jones - Second.
568
569 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mrs. Jones. All in
570 favor say aye. All opposed say no. The ayes have it; the motion passes.
571
572 The Planning Commission granted extension of conditional subdivision approval to
573 Newstead Landing (September 2002 Plan).
574
575 Mr. Pambid - Do we have any questions about any of the other ones?
576
577 Mr. Jernigan - I don't, sir.
578
579 Mr. Pambid - Thank you.
580
581 Mr. Emerson - Mr. Chairman, that takes us into the regular agenda.
582

583 **TRANSFER OF APPROVAL**
584

<p>POD-104-86 Best Western (Richmond Airport Hotel) (Formerly Hampton Inn) 5300 Airport Square Ln.</p>	<p>Praveen Neppalli for SSR Richmond Hospitality, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Madison Property Company, Richmond Airport Hotel, LP, Richmond Williamsburg Association and Varun Enterprises, LLC to SSR Richmond Hospitality, LLC. The 2.526-acre site is located along the east line of Airport Square Lane, approximately 180 feet north of Williamsburg Road on parcel 819-714-1786. The zoning is B-3, Business District. County water and sewer. (Varina)</p>
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585 Mr. Ward - Good morning.

586

587 Mr. Jernigan - Good morning, Mr. Ward. You may proceed.

588

589 Mr. Ward - There is an addendum on page 3 that revises the condition to state
590 the trees that are blocking the parking lot poles will be trimmed, and that handicapped spaces
591 will be marked by October 8, 2008 or a bond shall be posted. Staff can recommend approval of
592 this transfer request.

593

594 Mr. Jernigan - I forgot to ask. Is there any opposition to transfer of approval POD-
595 104-86, Best Western (Richmond Airport Hotel)? There is no opposition.

596

597 We cleared all that up yesterday, so thank you for working on that.

598

599 With that, I will move for approval of transfer of approval POD-104-86, Best Western
600 (Richmond Airport Hotel), with #1 and the clarification on the addendum.

601

602 Mr. Vanarsdall - Second.

603

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

606

607 The Planning Commission approved the transfer of approval request for POD-104-86, Best
608 Western (Richmond Airport Hotel), from Madison Property Company, Richmond Airport Hotel,
609 LP, Richmond Williamsburg Association and Varun Enterprises, LLC to SSR Richmond
610 Hospitality, LLC, subject to the standard and added conditions previously approved and the
611 following additional condition:

612

613 ~~1. A bond shall be posted to cover the site deficiencies as identified in the~~
614 ~~inspection report, dated August 22, 2008, and such deficiencies shall be~~
615 ~~corrected by October 8, 2008.~~

616

617 1. **REVISED** – The deficiencies, which include trimming trees and marking handicap
618 spaces, identified in the inspection report dated August 22, 2008, shall be
619 corrected by October 8, 2008, or a bond shall be posted.

620

621 Mr. Emerson - Mr. Chairman, that takes us to page 9 of your agenda.

622 **LANDSCAPE & LIGHTING PLAN**

623 LP/POD-64-07 **VHB for Natick VA Richmond Realty Corp. and BJ's Wholesale Club, Inc.:** Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 12.5-acre site is located on the west line of Starling Drive approximately 600 feet south of Quioccasin Road on parcel 751-744-9528. The zoning is B-2C Business District (Conditional). **(Tuckahoe)**

624
625 Mr. Jernigan - Is there any opposition to Landscape and Lighting Plan
626 LP/POD-64-07, BJ's Wholesale Club?

627
628 Mrs. Jones - Yes.

629
630 Mr. Jernigan - Yes, okay. Good morning, Mr. Garrison.

631
632 Mr. Garrison - Good morning.

633
634 Mr. Jernigan - Go ahead.

635
636 Mr. Garrison - The applicant is requesting approval of a landscape and
637 lighting plan at the BJ's Wholesale Club near Starling Drive and Quioccasin. Staff has
638 been working closely with the applicant to design the most desirable buffer on the south,
639 west and northern property lines. A neighborhood meeting was held for the adjacent
640 property owners to show the proposed landscape plan. Following that meeting the
641 applicant agreed to provide additional fencing and plant material at staff's request.
642 However, staff has concerns regarding the intensity of the fuel canopy lights, which the
643 applicant is reluctant to reduce. Staff feels this light intensity will have an adverse effect
644 on the adjacent neighbors. With the exception of the fuel canopy lights, staff can
645 recommend approval of LP/POD-64-07 subject to the annotations on the plan, and the
646 standard conditions for landscape and lighting plans.

647
648 That's all I have for my presentation. I'm available to answer any questions, and the
649 applicant is available as well.

650
651 Mr. Jernigan - All right. Any questions for Mr. Garrison from the
652 Commission?

653
654 Mrs. Jones - No, not at this time. I think we probably need to hear from
655 the applicant, though.

656
657 Mr. Jernigan - Okay. Would the applicant come down, please?

658
659 Mr. Theobald - Good morning, Mr. Chairman, ladies and gentlemen.

660 Several in unison - Good morning.

661
662 Mr. Theobald - I'm Jim Theobald on behalf of BJ's. This is a landscape and
663 lighting plan, the POD having been approved some months ago. As you all know, this
664 site was zoned in 1981 for retail uses. The site had been a couple of restaurants, torn
665 down, had been vacant for quite some time. We've worked very closely with Mrs. Jones,
666 Mrs. O'Bannon, Mr. Garrison, and Ms. Goggin on various aspects of both landscaping
667 and lighting. We've met with neighbors again. As a result of the last meeting with
668 neighbors, we modified our plan further to provide additional sections of fencing, some
669 additional 224 feet of fencing in various areas. On the southern portion of the property
670 alone, an additional 70 feet. On the western portion, you'll see an old paper street or
671 stub road in the back here. It also has public easements in it, and we found a way, with
672 Mrs. Jones' help, with Public Works, I believe to put a section of fencing in there,
673 basically that is removable to the extent that people needed to get in and do the
674 systems. That was a hot spot for the neighbors. So, we added about 70 feet of a
675 fencing section in there. The northwest corner of the property where some additional
676 disturbance had occurred, we added, again, another 145 feet of additional fencing up to
677 this northwest corner. We did change the color of the fencing from a stark white to more
678 of a beige color. We've added numerous trees and bushes at the recommendation of
679 staff, as well as some thorny bushes to provide some security issues, as recommended
680 by the police.

681
682 We've been working on the lighting plan. I must say it's been a bit of a work in progress.
683 We've made a number of changes. The lighting, we had 1,000-watt bulbs in some of the
684 parking lots. Lighting standards. After ordering those fixtures, we were asked to switch
685 them out to two 400-watt lamps, which we did. So, we now own 31 tall light poles with
686 1,000-watt lamp boxes on them. So, if you need any, let us know. Trying to find another
687 place where we can put them. Evidence that we were trying to respond to the concerns
688 of staff.

689
690 The canopy lighting, you can see the fuel canopy in this location on the plan. That is
691 about 250 feet at the closest point to this property line. We have a number of screening
692 provided in between, the trees that were already there, plus a 50-foot buffer planted to
693 transitional 25. Additional screening up here to shield headlights. And I think the, uh,
694 the issue that's been discussed this morning is the nature of the canopy lighting. These
695 lights, again, are drop-down lights. We are used to seeing recessed lighting in lots of
696 different places, but the drop-down lighting has been shielded with a metal shield—like
697 at the store in Mechanicsville—to assure that the light drops straight down, rather than
698 being dispersed. We have 400-watt bulbs in that canopy lighting. The suggestion was
699 swap them out for 250, which we can't change. We can't just put a 250-watt bulb in the
700 400-watt fixtures. The ballast will burn up the lights, and ultimately burn out the ballast
701 and everything with it. The screening of the shields below those lights will send the light
702 down. Those lights are reduced after the fuel pumps are closed. A number of the lights
703 are turned off; there are, like, four left on under the canopy to even out the site lighting,
704 and for security purposes.

705

706 I think the important thing to note on the canopy lighting is that there are standards
707 produced by some trade group, and they suggest a minimum foot-candle of 20, and a
708 maximum of 60. This is 41, so we're right in the middle. We're well within the range, at
709 the midpoint in the range. They have what they call uniformity standards in terms of the
710 spread of light in the light field to suggest a ratio or no more than 4 to 1. We're 3 to 1.
711 Now, none of that means a thing to me. What I'm trying to just let you know is that we
712 are dead-on the midrange in terms of lighting standards, and we're actually below in
713 terms of uniformity level.

714
715 The one thing I guess, Mrs. Jones, that I hadn't exactly realized is what we were
716 discussing earlier in terms of your concern about glare. Even with the 400-watt lights
717 shielded, we're still at zero foot-candles of light at the property line. That didn't change.
718 We said we'd be at zero; we are at zero, even with those lights. When we talk about
719 glare, will you see ambient light? Of course you will. What do you think you see over at
720 Regency Square? You have a million square feet, and a big ball of light that lights up
721 half the West End.

722
723 We believe we've screened and shielded the direct line-of-sight to any bulbs by the
724 drop-down shields. We believe with turning them down, turning off a number of the
725 lights after hours also helps. There's significant screening over here. Again, we're still at
726 zero foot-candles.

727
728 I think we've addressed the issues as we might have been expected. I'd be happy to
729 answer any questions.

730 Mrs. Jones - I do think, I'm sure, that BJ's will be able to use those light
731 poles at another location, I would hope. Maybe not so close to residential areas. I'm
732 sure they'll find something for that.

733
734 I do want to thank you on behalf of your clients for the way in which they have worked
735 hard with the staff that has been involved with this case for many, many months.

736
737 Mr. Theobald - Thank you. I appreciate that.

738
739 Mrs. Jones - I do think that it has been a difficult case because it is, by its
740 very nature, a difficult situation tucked right against residential neighborhoods. We do
741 have someone who has a question, and I'll ask her to come up in a minute. Before I do
742 that, let me just reiterate that we did talk very briefly about something that is quite small,
743 but I think will enhance the project. Is your client willing to put some seasonal color at
744 the entrances?

745
746 Mr. Theobald - Yes. I discussed that with him after you and I talked this
747 morning.

748
749 Mrs. Jones - Okay.

750

751 Mr. Theobald - We don't own the other side of the entrance here, so these
752 plantings, I think, were provided by others. In terms of our side of the entrances, and the
753 entrance down here, that's not a problem.
754

755 Mrs. Jones - Okay. I think it's a small item, but it will certainly increase the
756 appeal. The fuel canopy lighting, I appreciate you going through the discussion of that
757 because I think in many ways that is probably *the* issue that's left to discuss. I think
758 we've pretty well solved a number of others that have been of concern. Let me just ask
759 one question of you. With the fuel canopy and the residences that are closest to it, will
760 there be enough screening from plant material to diffuse that light, in your opinion?
761

762 Mr. Theobald - I'm guessing here, okay? I know it depends on everybody's
763 backyards. There were trees in some people's back yards. Some had fewer trees than
764 others.
765

766 Mrs. Jones - Your client's plantings.
767

768 Mr. Theobald - Oh. We're planting to transitional buffer 25, and the grade
769 goes up. I assume that it must, by definition, diffuse. If it would block the light, I doubt
770 it. You're going to be able to see ambient light, but I don't think you're going to be
771 looking at a bulb.
772

773 Mrs. Jones - Okay. Thank you.
774

775 Mr. Vanarsdall - I have a question for Mr. Theobald. When are they going to
776 open?
777

778 Mr. Theobald - Early November is the target.
779

780 Mr. Vanarsdall - November.
781

782 Mr. Theobald - They want to be open by Thanksgiving.
783

784 Mr. Vanarsdall - Good. Will they have turkeys?
785

786 Mr. Jernigan - Will they have what?
787

788 Mr. Vanarsdall - Turkeys.
789

790 Mrs. Jones - Thank you, Mr. Vanarsdall.
791

792 Mr. Theobald - We'll be happy to get you one, yes.
793

794 Mr. Branin - What exact species is a thorny bush?
795

796 Mr. Theobald - Excuse me?

797 Mr. Branin - Thorny bush?
798
799 Mr. Theobald - Thorny bush. The police suggested that because there's an
800 existing chain link fence along this blue dotted line, and you see the yellow 50-foot
801 buffer. There are sections of fencing to visually screen headlights in here, but the police
802 were looking for thorny bushes perpendicular to the property line to occur at a couple of
803 locations to physically discourage pedestrians from walking down that alley, if you will,
804 of buffer.
805
806 Mr. Branin - Okay.
807
808 Mr. Jernigan - Mr. Theobald, you said at the property line, the foot-candle
809 was zero.
810
811 Mr. Theobald - Correct.
812
813 Mr. Jernigan - All right. Any more questions for Mr. Theobald from the
814 Commission?
815
816 Mr. Theobald - Thank you.
817
818 Mr. Jernigan - All right, thank you. We do have opposition. Would you come
819 down, please ma'am? State your name for the record.
820 Ms. Patterson - Good morning. I'm Lori Patterson, and I live behind the BJ's
821 building. I just have a couple of questions about the lighting that's back there. I have
822 some concerns that there's not zero foot-candle at the property line in the back because
823 of the elevation of the building. There are four floodlights that are facing my property,
824 and I have concerns about them. One, I'd like to know what the wattage is, and also, I
825 mean, I don't see any way that they can shield that. They're facing right in my
826 backyard, and I spend a lot of time in my backyard. I don't want to be looking at
827 floodlights.
828
829 Mrs. Jones - Is that your only question, Lori?
830
831 Ms. Patterson - Yes. I do want to say that I do appreciate the work that was
832 done to get the fencing and the Leyland Cypress. I think that's going to help. I think
833 eventually the Leyland Cypress might block out the lighting, but we're talking years
834 down the road. We're not talking about anything that's going to be immediate. There are
835 other people in the neighborhood that are concerned about it, but they couldn't get off
836 from work, so I'm kind of here just speaking for them.
837
838 Mrs. Jones - Okay. We'll have the applicant address your question. Thank
839 you.
840

841 Mr. Theobald - John, you might have to help me on this. I don't really know
842 what lighting is on the back of the buildings. The photometric studies still had to show
843 zero foot-candles, right? Are there wall packs?
844
845 Mrs. Jones - I think we need to have him come up to the podium.
846
847 Mr. Theobald - Somebody needs to come up and get this on the record.
848
849 Mrs. Jones - We need to know the wattage and the way in which the light
850 is diffused.
851
852 Mr. Goff - As you can see on that schedule in front of you, they are all
853 400 watt.
854
855 Mr. Glover - I can't hear you, sir.
856
857 Mr. Goff - They were all 400-watt bulbs that are used for all the site
858 lighting that you see there. It's underneath the light column that's underlined. These
859 are 400-watt bulbs. This "W" is for the wall packs. There are 12 wall packs around the
860 perimeter of the building. They are down-lighted wall packs. Come over here. She's
861 referring to the wall packs along this building there—two, three four—five, I believe,
862 along that side of the building. Is that correct?
863
864 Ms. Patterson - [Off mike.] I'm talking about the floodlights above the doors.
865
866 Mr. Goff - Oh. There are—
867
868 Ms. Patterson - [Off mike.] There are four floodlights—
869
870 Mr. Goff - There are—
871
872 Ms. Patterson - [Off mike]—[inaudible] property, and there's nothing to shield
873 them.
874
875 Mr. Goff - Those are security lights that are required at all egress
876 doors.
877
878 Ms. Patterson - [Off mike.] What's the wattage on those?
879
880 Mr. Jernigan - Ms. Patterson, could you come on up. These hearings are
881 taped, so we have to have everything on the record.
882
883 Ms. Patterson - I'm referring to the floodlights that are above the doors,
884 which I realize for security purposes they have to be there, but they're going to light up
885 my whole backyard.
886

887 Mrs. Jones - Could the engineer address the wattage of those, how long
888 they're on, and whether they're changed at the end of business? Describe those lights,
889 please.
890

891 Mr. Goff - I'm not aware of what the actual wattage of those lights is.
892 They're not floodlights, although I guess she's saying the bulbs are exposed. These are
893 standard lights that are placed over the egress doorways for security reasons, or safety
894 reasons, actually, in case there's interior fire or things like that where people have to
895 evacuate the store. They go through the egress doors, and they're placed around
896 based on code. They are required to have lights there. I'm not an architect. I'm trying
897 to address your question, but that's something that's required by the code.
898

899 Mrs. Jones - Is it shielded?
900

901 Mr. Goff - They're not shielded, if you will.
902

903 Mrs. Jones - You don't know what the watt—
904

905 Mr. Goff - I went there today. They're regular exposed lights. They're
906 not 400-watt bulbs at all.
907

908 Mrs. Jones - What are they?
909

910 Mr. Goff - I don't know what they are, but they're not 400-watt bulbs.
911 These are just regular egress door lights.
912 Mr. Jernigan - Sir, I need your name for the record.
913

914 Mr. Goff - Oh, I'm sorry. I thought you heard that. It's George Goff, BJ's
915 Wholesale Club.
916

917 Mr. Jernigan - George Goff?
918

919 Mr. Branin - Mr. Goff, are those lights on only at time of emergency, or
920 are they on—
921

922 Mr. Goff - I believe they're on—I don't know that answer. I believe
923 they're on just at night. I think they're on at night all the time.
924

925 Mr. Branin - Every night.
926

927 Mr. Goff - Because we have employees working in the club all night,
928 stocking. So, I would think those would be on all night to allow for that safety and
929 security issue, or if they had to evacuate, they'd be on.
930

931 Mr. Vanarsdall - You say these particular lights are required by the Code.
932

933 Mr. Goff - That's my understanding.
934
935 Mr. Vanarsdall - I didn't know we had any that would spill over into a
936 neighborhood required by Code.
937
938 Mr. Goff - They're a security light. They're not a site light.
939
940 Mr. Vanarsdall - Security.
941
942 Mr. Jernigan - Let me say something here. First of all, I don't know whether
943 we're having spillover, but by County code, you can't put more than a half a foot candle
944 on somebody else's property. Now, all the calculations that have been here are done
945 by engineers. So, Ms. Patterson, depending on what Mrs. Jones does, what I
946 recommend is after these are up, they can be checked by County inspectors. If there is
947 a breach where you are getting more than a half a foot-candle, they'll have to adjust
948 that. So, right now, it's all calculations, but just bear that in mind. If you are getting light
949 that you're not supposed to, they have to adjust that.
950
951 Ms. Patterson - The one question I would have is they've done the study on
952 the lights that are enclosed, that are shielded at the exterior of the building. Do they, in
953 fact—Since they don't even know the wattage, how do they know that that isn't much
954 brighter than what is allowed. Do they know that?
955
956 Mr. Jernigan - I don't believe the gentleman knows the wattage of it. What
957 I'm saying is once everything is up, if you are getting light that exceeds County code,
958 they will have to adjust it.
959
960 Ms. Patterson - Okay.
961
962 Mr. Jernigan - They don't have a choice. Is that fair?
963
964 Ms. Patterson Okay, thanks.
965
966 Mr. Branin - Mr. Goff, Mr. Theobald, and Ms. Patterson. If these are
967 indeed spotlights that are going back towards your yard, and there are four egress
968 doors, why wouldn't you just put some sort of shield over them to keep the light down?
969 Shoebox lighting. Thank you.
970
971 Mr. Goff - You ask me to draw a conclusion on a subject I'm not aware
972 of. They are a minimum wattage light that's required to be put over egress doors on all
973 the clubs, all the stores that we build. They're not a high-intensity light. We're required
974 to have them.
975
976 Male - [Off mike.] [Inaudible.]
977

978 Mr. Goff - I know. I will state on the record, you know, like I said, if they
979 do pose a foot candle issue across the parking lot, of course we'll make a change.
980 Absolutely. We could look into shielding them, if that's necessary, but these are not
981 high-intensity lights at all.
982
983 Mr. Branin - Okay, thank you, sir.
984
985 Mr. Glover - Mr. Chairman, can I ask a question?
986
987 Mr. Jernigan - Yes, sir.
988
989 Mr. Glover - Before he runs off. How close is this door to that lady's
990 property line?
991
992 Mr. Goff - Well, the back of the club is roughly—
993
994 Mr. Glover - No, no, no.
995
996 Mr. Goff - —a 24- to a 30-foot drive lane, plus there's some parking.
997 Then there's the 50-foot buffer. So, you're talking in the vicinity of 100 feet probably.
998
999 Mr. Glover - A 50-foot buffer?
1000
1001 Ms. Patterson - [Off mike.] That's not true. There is no parking—
1002 Mr. Glover - Wait a minute, ma'am. Let me finish my question—
1003
1004 Mr. Goff - Well, there is—
1005
1006 Mr. Glover - —and then you can talk all you want.
1007
1008 Female - [Off mike-whispered.] Not behind the property.
1009
1010 Mr. Glover - You all have a meeting afterwards, okay?
1011
1012 Mr. Goff - Let me show you up here.
1013
1014 Mr. Glover - No. I just wanted the answer.
1015
1016 Mr. Goff - Oh, okay.
1017
1018 Mr. Glover - I don't need for you to show me, because I understand.
1019 You have no screening between your backyard—I'm talking to her—and the lights that
1020 are on this door. Is that what you're telling me?
1021
1022 Ms. Patterson - Currently, no.
1023

1024 Mr. Glover - Why don't you put a foot-candle—Now, if you can't answer
1025 the question, when you are going to get somebody here that can? It's not right for you
1026 to stand there and say well I don't know what it is, and I don't know this. When you
1027 come in here, you need—And you know what, I like BJ's, and I want BJ's to open in
1028 November so you can get the Christmas shopping. But you know something? That lady
1029 has a good point. If that light, even though there's no foot-candle, zero foot-candle at
1030 the property line, then that doesn't mean that she doesn't look at a glare. I ride down the
1031 road at J. Sargeant Reynolds on Parham Road. The foot-candle doesn't shine on the
1032 road, but I can tell you what, it's a blinding glare when you look at the light that they
1033 have in front of their driveway. What I'm saying is, put something over it that puts the
1034 light straight down. You're not answering any questions, and it bothers me. This
1035 commission will tell you that I rarely ever get involved, but I think it's bad when a
1036 company such as BJ's will send somebody that doesn't know the answers to the simple
1037 questions of what is the wattage of a light bulb. When you figure that out, I think you
1038 should to come back and do it. You might miss the Christmas shopping if you don't
1039 know the answers to the questions.

1040
1041 Mr. Goff - If this seems—Well, obviously, this seems to be an issue.
1042 We could certainly put shields preventatively around them.

1043
1044 Mr. Glover - Why don't you? Why hadn't you said that before? Why
1045 didn't you tell this lady before? I don't understand why it's such a big deal. We've had
1046 shoebox lighting in Henrico County I think since Noah; I'm not sure. If you can, then
1047 why don't you tell the lady that you'll do it? If you don't, you don't get to open. How
1048 about that? Hello.

1049
1050 Mr. Goff - I believe I've already answered the question that we will
1051 shield them.

1052
1053 Mr. Glover - It took a long time. Thank you.

1054
1055 Mrs. Jones - Okay.

1056
1057 Mr. Glover - Ms. Patterson.

1058
1059 Mr. Vanarsdall - Well, I have one more question, Mr. Chairman. Who does
1060 she come to if this is not done? Who does she talk to to get it done?

1061
1062 Mr. Theobald - She can always call me.

1063
1064 Mr. Vanarsdall - Okay. Do you understand that?

1065
1066 Mrs. Jones - Mr. Theobald, I'm sorry. Up and down, up and down. I'm
1067 sorry to bring you back up here. You said there are zero foot-candles at the property
1068 line, correct?

1069

1070 Mr. Theobald - That's correct.
1071
1072 Mrs. Jones - I'm reading this as 0.2. I'm looking at this—it's hard to read.
1073 Is it zero at the property line?
1074
1075 Mr. Theobald - I was told it was zero. If it's 0.2, I'm not aware of that. John,
1076 do you know?
1077
1078 Mrs. Jones - I want to know what is being passed here.
1079
1080 Mr. Theobald - I am really not used to looking at lighting plans.
1081
1082 Mr. Carty - Good morning. My name is John Carty. I'm with VHB. I am
1083 the engineer of record for BJ's Wholesale Club. It's my understanding that there is an
1084 allowable tolerance of foot-candles based on positioning of lights that is allowed to seep
1085 over. We are not 100% at zero, but we are within the acceptable limits.
1086
1087 Mrs. Jones - What are those acceptable limits?
1088
1089 Mr. Carty - Point five foot-candles.
1090
1091 Mrs. Jones - Nothing over .5.
1092
1093 Mr. Carty - Correct.
1094
1095 Mrs. Jones - You're anticipating it's .2, according to this photometric.
1096
1097 Mr. Carty - Yes, I think so. Yes.
1098
1099 Mrs. Jones - All right.
1100
1101 Mr. Carty - I would also just like to add for the record that the floodlights
1102 are typically designed with the building. So, unfortunately, the floodlights that we're
1103 referring to are typically of minimum wattage, the same that you would have at your
1104 house. These do not contribute significantly to the photometrics overall. The main
1105 lighting for the entire sight has been designed with shoebox lighting.
1106
1107 Mr. Glover - Even those lights that are above that door? Is that a shoebox
1108 lighting?
1109
1110 Mr. Carty - I do not know whether or not those lights in particular are
1111 shoebox lightings, but I do know that they do not significantly add to the photometrics.
1112
1113 Mr. Branin - Can I ask you a question?
1114
1115 Mr. Carty - Yes.

1116 Mr. Branin - Are you a resident here in Virginia?
1117
1118 Mr. Carty - In Chesterfield County, yes.
1119
1120 Mr. Branin - Chesterfield County. Okay. If you in your backyard all of a
1121 sudden had a BJ's, or a Lowe's, or a Home Depot, or any box store come up, and you
1122 have lights pointed at your back yard, at your house, would it concern you?
1123
1124 Mr. Carty - I think the issue—
1125
1126 Mr. Branin - Just yes or no.
1127
1128 Mr. Carty - Yes, it would.
1129
1130 Mr. Branin - Yes, it would. Thank you.
1131
1132 Mr. Carty - Yes, it would.
1133
1134 Mr. Branin - Okay. Our job is to protect our citizens.
1135
1136 Mr. Carty - Absolutely.
1137
1138 Mr. Branin - When BJ's sends a representative that doesn't know—I don't
1139 think, I'm not sure, I don't know—we need to get to the bottom of it and solve the
1140 problem. Okay?
1141
1142 Mr. Carty - Understood.
1143
1144 Mr. Branin - Thank you.
1145
1146 Mr. Carty - Thank you.
1147
1148 Mrs. Jones - Is there somebody—Oh, Kim Vann is here. I have one
1149 question for you, and then I think we've talked this through, at least from my
1150 perspective. Good morning.
1151
1152 Ms. Vann - Good morning. Kim Vann with Henrico Police.
1153
1154 Mrs. Jones - Hi. Kim, I wanted to ask you a question, and this has to do
1155 with the fuel center.
1156
1157 Ms. Vann - Okay.
1158
1159 Mrs. Jones - The fuel center lighting is one aspect of the lighting that
1160 we're trying to make sure we're doing right here. When you reviewed it, did you have
1161 concerns about the fuel center lighting?

1162 Ms. Vann - Yes, ma'am. Actually, back in May we initially asked for the
1163 uniformity to be more distributed. Part of what we look at is not only the level right
1164 under the fuel canopy, but also when you start the leave the canopy, having it uniform
1165 so that somebody if they're walking or driving, their eyes are not going to have to adjust
1166 like on a bright summer day. If your eyes are going from dark to light, dark to light, you
1167 end up not seeing things that you might need to be seeing in that area.
1168

1169 Mrs. Jones - What was your recommendation then?
1170

1171 Ms. Vann - To try to have it more uniform to meet the security guidelines
1172 that we use, which is from the Illuminating Engineer Society of North America. Since we
1173 don't have a lighting code, this is what we within the division tend to fall on. They tend to
1174 recommend a ratio of 4 to 1. I'm not a lighting engineer either, so to be able to start to
1175 understand when you're going to 3 to 1, 2 to 1, to 4 to 1, it does take some calculations
1176 there. To me, if it drops from 40 foot-candles to 5 within a few feet from the lighting
1177 canopy, that's not really that uniform. To me, that's a pretty significant drop. I don't
1178 have the lighting plan in front of me to know what those numbers are.
1179

1180 Mrs. Jones - You do, obviously, point to an issue that might be a safety
1181 issue.
1182

1183 Ms. Vann - Yes. That's something we do at any canopy—a hotel, a
1184 bank, or a gas fuel canopy.
1185

1186 Mrs. Jones - Thank you. I also appreciate very much the time you spent
1187 with this case. Thank you. Okay, folks.
1188

1189 Mr. Vanarsdall - I have a question for Ms. Patterson. Ms. Patterson? Hello.
1190

1191 Ms. Patterson - Yes.
1192

1193 Mr. Vanarsdall - Are you the only home back there that is going to have this
1194 glare?
1195

1196 Ms. Patterson - No. There are about four homes.
1197

1198 Mr. Vanarsdall - Four? Thank you.
1199

1200 Mrs. Jones - We have worked a long time with this case. I do think that
1201 there has been a cooperative effort to try to get this landscaping where it will be of
1202 benefit, certainly, to BJ's so that it's an attractive property, a benefit to the neighbors so
1203 that there is screening, and benefit to, hopefully, the success of this project. We try to
1204 make everything the best it can be so that we'll continue to have a wonderful County in
1205 which to live. This will be, I hope, a very successful project. I appreciate the work that
1206 has been done. Christina Goggin and Greg Garrison have been involved with this, and

1207 they've done a tremendous amount of work with the folks from BJ's, and their
1208 engineers.

1209
1210 I do have some significant concerns with the lighting. Not that they can't be solved, it's
1211 just that I'm not sure we have all the answers at this minute. I do have a motion I'd like
1212 to make. You would like to do something first?

1213
1214 Mr. Jernigan - First of all, I believe Mr. Glover has something.

1215
1216 Mr. Glover - I wanted to ask a question. I heard the statement that they'd
1217 fix it, and I think that's not quite sufficient. I think they need to tell you, and maybe they
1218 can do it by way of submitting it to the Planning Director, and making sure that it's
1219 acceptable. The minute they put that glare in that backyard, if it's taken this long this
1220 morning to get an answer of what the glare is, I don't know how long it would take to fix
1221 or rectify it. I think you should make sure that you know how they plan to solve the
1222 problem for the Patterson's and their neighbors. I'm going to tell you why. I lived on
1223 Parham Road, looking across the street at a light like this, and I could never get it fixed.
1224 Every time I'd walk out of my house, it was a glare. We're talking about somewhere in
1225 the neighborhood of 400 feet. I know that it could be a nuisance. I think before you—
1226 You can approve it, in my opinion, but I think it should be a condition that says that
1227 they'll submit how they're going to shield that light from the glare in her backyard.

1228
1229 Mr. Theobald - That's not a problem. That's not a problem, Mr. Glover.

1230
1231 Mr. Glover - I didn't think it was, but I thought maybe I'd just interject it
1232 because you didn't.

1233
1234 Mrs. Jones - My suggestion, or at my least preference would be to move
1235 for approval of the landscape plan, but defer the lighting plan for one month.

1236
1237 Mr. Glover - If you want to defer it, but I think it is solved except for that
1238 glare in the backyards, isn't it?

1239
1240 Mrs. Jones - Well, we have several points of issue here. I would like to
1241 make sure that this is taken care of responsibly, and thoroughly, and accurately. I think
1242 we can. I just don't believe that it's ready at the moment.

1243
1244 Mr. Theobald - What exactly would we be doing in 30 days?

1245
1246 Mrs. Jones - In 30 days, we would be looking at all of the lights that are
1247 going to be having a potential to impact the neighbors. We will look at the exact
1248 wattages; we'll have information about that. We will look at the shielding. We will look at
1249 comparative photometric plans. We will look at when the lights are on. We will look at
1250 how many lights are on at what times, and what the security levels are. We will have a
1251 definitive answer.

1252

1253 Mr. Theobald - Haven't we done all that?
1254
1255 Mrs. Jones - Apparently not.
1256
1257 Mr. Theobald - With the photometric plan that you have in front of you?
1258
1259 Mrs. Jones - That is one version.
1260
1261 Mr. Theobald - Well, what do you mean it's one version?
1262
1263 Mrs. Jones - It's one version with all the lights on, and operating as shown
1264 on the plan. We are, obviously, going to have to work with that in order to meet the
1265 needs of the neighbors.
1266
1267 Mr. Theobald - Well, I assume that since we've already posted a bond for
1268 the landscape and lighting, this would not interfere with our ability to get a temporary
1269 Certificate of Occupancy so we can open this store? That was my understanding in
1270 talking with staff previously. We've met or exceeded all the standards in your
1271 ordinance, okay? I want the neighbors to be happy, and I want you all to be
1272 comfortable, but we keep being asked to come back with more, and more, and more,
1273 and more in change.
1274
1275 Mrs. Jones - Right now, we're just talking about making sure that the
1276 lighting plan is where it needs to be. I'm not hearing that this morning. Mr. Director, do
1277 you have a preference as to how we handle the lighting plan?
1278
1279 Mr. Emerson - I think we could handle it after-the fact with a letter to the
1280 director spelling out exactly what the plans are in regards to addressing this, and then
1281 we could sit down and review it, and see if it's acceptable. If you sent the plans on
1282 today, I'm sure we could address this between now and the time of Certificate of
1283 Occupancy. As Mr. Theobald said, we do have a bond that we could utilize if
1284 necessary. If you wanted to do that versus deferring the lighting plan. If they want to
1285 open in November, the lighting plan would only be deferred to October, so I don't know
1286 that would delay their opening in November either.
1287
1288 Mrs. Jones - No, I don't think it's a question of putting the opening in
1289 jeopardy. I think it's a question of doing the right thing and making sure we're doing it
1290 right. Would the oversight by letter be something that could be quantitatively evaluated
1291 onsite so that we're sure that we don't have lighting impacts that are, perhaps, not
1292 picked up by strict photometric?
1293
1294 Mr. Emerson - I would think so, yes ma'am.
1295
1296 Mr. Archer - Mr. Chairman, Mrs. Jones, I know we're trying to expedite
1297 this, and at the same time be as careful as we can.
1298

1299 Mrs. Jones - We're not trying to expedite it.
1300
1301 Mr. Archer - I don't mean it that way. I know the applicant is trying to
1302 move forward with this. Since the major concern is the one that Ms. Patterson brought
1303 forward about light spillage over into her property, couldn't we carefully craft a condition
1304 that would cover all of that, and make it strict enough so that we could make it
1305 enforceable, and at the same time have whatever it is to be submitted to the Planning
1306 Commission? We might be able to do the condition today, if we worded it in such a way
1307 that it would cover all of the bases, and leave everybody feeling safe about where we're
1308 going.
1309
1310 Mrs. Jones - The letter that you had in mind and the oversight could be
1311 put into the case as a condition? Would that be your preference?
1312
1313 Mr. Emerson - Yes ma'am, you could do that.
1314
1315 Mrs. Jones - Should we choose to move ahead with this right now, that
1316 can be worded and worked out by staff this morning with the applicant?
1317
1318 Mr. Theobald - I'm just not certain what you're saying in the sense of what
1319 happens between now and approval, and what those standards are for review. I just
1320 don't know what I'm hearing you say, I guess.
1321
1322 Mr. Glover - Mr. Theobald, I think she said that it would be approved
1323 today with the letter being submitted.
1324
1325 Mr. Theobald - The letter—
1326
1327 Mr. Glover - You know how to write it.
1328
1329 Mr. Emerson - The letter would detail how you're going to handle the
1330 lighting, what shielding would take place. Then we would review that and see if it's
1331 adequate.
1332
1333 Mr. Theobald - Okay. This is with respect to Ms. Patterson's concerns,
1334 right?
1335
1336 Mr. Emerson - Yes, correct.
1337
1338 Mrs. Jones - Excuse me. It's not just Ms. Patterson's concerns. I've had
1339 concerns about this project along the entire length of the residential areas that are
1340 adjacent to BJ's. It's simply because there are impacts from a development like this on
1341 residential properties. Ms. Patterson is here to represent her neighbors.
1342
1343 Mr. Theobald - That's fine. I have no problem doing that, if we're talking—I
1344 guess I got the feeling we were looking at all of the lighting all over again. But no, if

1345 we're going to address that issue, we can easily handle it that way. I'm happy to work
1346 through that process.

1347
1348 Mrs. Jones - We are including, and certainly looking hard at the fuel
1349 center to make sure that we're all right there.

1350
1351 Mr. Theobald - I don't know what that means.

1352
1353 Mrs. Jones - That will contribute to whatever glare is going to impact the
1354 adjacent residential properties. You're asking me what can you do about the fuel center
1355 to change it?

1356
1357 Mr. Theobald - No, I'm trying to find out so that when we leave here, we all
1358 know what we're expected to do, and what you're hoping to accomplish. I understand in
1359 the back; that's been clarified. Short of giving you the same lighting study again, I don't
1360 know what else I'm being asked to do with regard to the fuel center.

1361
1362 Mrs. Jones - I would suggest that the numbers of lights be looked at, the
1363 hours they're on be looked at, the intensity of the light after they've been wrapped be
1364 looked at. I suggest that we may have to make some adjustments there. Maybe not. I
1365 don't know, because I don't have anything that shows me what the result of the
1366 wrapping is going to be, or what the differentials are. I have nothing. We have to either
1367 take the lighting out, or we will pass this today with a condition as we've just described.

1368
1369 Mr. Jernigan - Let me ask a question. The photometric information that we
1370 have in front of us, first of all, is not going to change because that's an engineered
1371 calculation. At this point now, coming off of the fueling station we have a maximum of .2.
1372 It's very small to read.

1373
1374 Mrs. Jones - It's very hard to read.

1375
1376 Mr. Jernigan - Which is under code. I think the main thing—and Kim Vann
1377 said that they want uniform lighting throughout the parking lot. What that means is they
1378 want that lot from property line to property line to be pretty much the same level. I don't
1379 think there is much you can change on the fueling station, as long as it meets code now.
1380 I think the main issue is the two floodlights at the entrances. I would recommend that
1381 Mr. Theobald just give a letter to Mr. Emerson saying that they're going to adjust those
1382 lights to make sure that Ms. Patterson and her neighbors don't have a glare coming off
1383 that light.

1384
1385 Mrs. Jones - Those four on the back of the building are what we're talking
1386 about.

1387
1388 Mr. Jernigan - Okay. Well, the lights that they have across the back that
1389 face her, that they're not going to glare onto her. The photometrics won't change.

1390

1391 Mrs. Jones - Ms. Vann's point was that the lighting under the fuel center
1392 was too bright and too intense for the folks driving or walking, then leaving there to the
1393 rest of the property. That was her point.
1394

1395 Mr. Jernigan - It's not too bright. Right now, it's—Kim Vann said they want
1396 the whole area lit.
1397

1398 Mrs. Jones - Right.
1399

1400 Mr. Jernigan - But if it's—
1401

1402 Mrs. Jones - It's a hot spot. It has a big differential between there and the
1403 rest of the property.
1404

1405 Mr. Vanarsdall - Evidently, there is no protection at all back there. There's no
1406 landscaping or—
1407

1408 Mr. Theobald - There's lots of landscaping back there. There's landscaping
1409 in people's backyards, and there's a 25-foot transitional buffer planted. There are all
1410 kinds of cypress trees and fence sections, et cetera. It's not that it's just wide open. It
1411 does slope down; the grade slopes down to the neighbors' backyards. If you look on
1412 the landscape plan, there is protection. I'm just trying to make sure there's certainty in
1413 the process so that we're not back here in 30 days with somebody still being
1414 uncomfortable with the lighting.
1415

1416 Mr. Emerson - Mr. Theobald, if you submit the letters we've discussed, I
1417 don't think you would be back here in 30 days. Your case will move forward with an
1418 approval based on that condition. Then we can internally work the rest of these details
1419 out.
1420

1421 Mr. Theobald - Okay. So, the letter—Basically, what would be then looked
1422 at, scrutinized, would be the shielding on the floodlights in the back.
1423

1424 Mr. Emerson - Yes, sir, that's my understanding. There seems to be an
1425 outstanding concern regarding the fuel center, which we can take another look at. I
1426 don't know that it can be adjusted any more, but certainly we could take another look at
1427 it.
1428

1429 Mrs. Jones - I want to confirm that it is not invasive to the neighbors,
1430 which would mean an actual onsite calculation of the light spillage.
1431

1432 Mr. Emerson - That would be once it's actually constructed. You'd have to
1433 take a look at it. If you want an actual onsite, you'd have to wait until it goes up and
1434 then have the measurement.
1435

1436 Mr. Jernigan - That's what I'm saying, too. The photometrics won't change
1437 because they're all engineered calculations. The only thing that you can do is after it's
1438 constructed, go out there and measure the foot-candle.
1439
1440 Mr. Theobald - And see if it meets code.
1441
1442 Mr. Emerson - Right. I think that's more of what Mrs. Jones—
1443
1444 Mr. Branin - Mr. Theobald, are you going to provide the letter?
1445
1446 Mr. Theobald - Yes sir, I can do that.
1447
1448 Mrs. Jones - Okay.
1449
1450 Mr. Theobald - I think that'll do it.
1451
1452 Mrs. Jones - I'm planning to. I think we've talked this through about as
1453 much as we all care to, but I think it was necessary to do this to ensure that this project
1454 be as good as it can be for everyone concerned. Mr. Theobald, I'll appreciate your
1455 submitting a letter as we've described as part of this approval, should this be approved.
1456 I now would like to move that landscape and lighting plan LP/POD-64-07, BJ's
1457 Wholesale Club on Starling Drive, be approved with the addendum item of the revised
1458 plan, and with annotations on the plans, and an added condition referencing the letter
1459 that we have discussed on the record today.
1460
1461 Mr. Jernigan - Do I have a second?
1462
1463 Mr. Branin - Second.
1464
1465 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Branin. All in favor
1466 say aye. All opposed say no. The ayes have it; the motion passes.
1467
1468 The Planning Commission approved the landscape and lighting plan for LP/POD-64-07,
1469 BJ's Wholesale Club, subject to the standard conditions attached to these minutes for
1470 landscape and lighting plans, and an added condition referencing a letter to be provided
1471 by the applicant.
1472
1473
1474
1475

1476
1477

LANDSCAPE & LIGHTING PLAN

LP/POD-34-07 **Hunter Cockrell for The Wilton Companies, Inc.:**
Wilton Square – Request for approval of a landscape plan, as required by
W. Broad St. and Cox Rd. Chapter 24, Sections 24-106 and 24-106.2 of the Henrico
County Code. The 3.51-acre site is located at the
northeast corner of W. Broad St. (U.S. Route 250) and
Cox Rd. on parcels 748-760-9546 and 6957. The zoning is
B-2C Business District (Conditional). **(Three Chopt)**

1478

1479 Mr. Jernigan - Mr. Garrison, you may proceed.

1480

1481 Mr. Garrison - The applicant is requesting approval of a landscape and
1482 lighting plan for POD 34-07, Wilton Square. Staff has requested additional plant material
1483 adjacent to West Broad Street to buffer headlights from the parking lot. The revised
1484 lighting plan before you shows two light poles that need to be shifted due to an
1485 easement and to accommodate plant material in a parking island. The applicant has
1486 agreed to staff's recommendations; therefore, staff can recommend approval of
1487 LP/POD-34-07 subject to the annotations on the plan, and the standard conditions for
1488 landscape and lighting plans.

1489

1490 Mr. Jernigan - First off, is there any opposition LP/POD-34-07, Wilton
1491 Square? There is no opposition, Mr. Branin.

1492

1493 Mr. Branin - I don't need to hear from the applicant, sir.

1494

1495 Mr. Jernigan - Okay.

1496

1497 Mr. Branin - Any questions from any of the Commissioners?

1498

1499 Mr. Jernigan - Any questions for Mr. Garrison from the Commission?

1500

1501 Mr. Branin - Then I'd like to move for approval of LP/POD-34-07, Wilton
1502 Square, subject to the annotations on the plans, and standard conditions of landscape
1503 and lighting plans.

1504

1505 Mr. Archer - Second.

1506

1507 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Archer. All in favor
1508 say aye. All opposed say no. The ayes have it; the motion passes.

1509

1510 The Planning Commission approved the landscape and lighting plan for LP/POD-34-07,
1511 Wilton Square, subject to the standard conditions attached to these minutes for
1512 landscape and lighting plans.

1513

1514 **PLAN OF DEVELOPMENT AND SPECIAL EXCEPTION**

1515

POD-57-08
Beth Sholom Lifecare
Community – Parkside –
Lauderdale Dr., John
Rolfe Pkwy., and Gayton
Rd.
(POD-2-79, POD-111-87
and POD-15-98 Revised)

Balzer and Associates, Inc. for Beth Sholom Home of Virginia, Beth Sholom Housing Corporation, Beth Sholom Assisted Living, and Beth Sholom Lifecare Facility: Request for approval of a plan of development and special exception, as required by Chapter 24, Sections 24-106, 24-2, and 24-95 (a) (1) of the Henrico County Code, to construct a 74,381 square foot building addition with ~~48 assisted living units and 24 nursing units~~ **72 assisted living units** and a height of 52 feet within an existing life care facility. The special exception would authorize a building exceeding 45 feet in height. The 16.58-acre site is located on the west line of John Rolfe Pkwy., the south line of Gayton Rd., and the north line of Lauderdale Dr., on parcels 733-747-9677, 7221, and 4863. The zoning is R-6C, General Residence District (Conditional) and C-1C Conservation District (Conditional). County water and sewer. **(Tuckahoe)**

1516

1517 Mr. Jernigan - Is there any opposition to POD-57-08, Beth Sholom Lifecare
1518 Community, Parkside and Lauderdale Drive (POD-2-79, POD-111-87 and POD-15-98
1519 Revised)? There is no opposition. Mr. Ward, you may proceed.

1520

1521 Mr. Ward - Good morning, again. There is an addendum on page 3 that
1522 revises the caption to state 72 assisted living units, and not 48 assisted living and 24
1523 nursing care units, as originally proposed in your architectural plans. Condition 29 was
1524 deleted because the Department of Public Works, Traffic Division, states that the
1525 existing right-of-way is adequate to accommodate the road widening along Gayton
1526 Road and John Rolfe Parkway.

1527

1528 Finally, condition 33 is revised to state the drainage and utility easements will be located
1529 outside the footprint of the existing buildings.

1530 Going into the report, the applicant is requesting a special height exception for a 52-
1531 foot-tall building, which exceeds the permitted height of 45 feet in an R-6 district. The
1532 existing facility of 96 nursing care units, 60 assisted living units, and 111 independent
1533 living units will bring the total to 339 units on site.

1534

1535 After reviewing what was originally proposed, staff had several comments and
1536 suggestions that impacted the layout of this plan. Some of the issues revolved around
1537 the conceptual plan changing from time of rezoning. You can see the revisions
1538 eliminated the Cultural Arts Center and the additions that were to be included on the
1539 Home. The Parkside building, which we are bringing forward to you now, has since
1540 been relocated to the south between the Gardens and the Home. You can see this in
1541 staff's revised plan. Also, the driveway entrance has shifted to the east, per Department

1542 of Public Works requirement, and also the revised elevations resulted in the taller
1543 building.

1544
1545 A provisional use permit associated with the rezoning was approved for the entire site to
1546 operate as a life care facility, and as shown on the revised plan, all requirements have
1547 been met, and are consistent with the ordinance.

1548
1549 Staff has received one letter from a neighbor in the Quail Woods development stating
1550 his concern about the new project. He had three concerns: it would devalue his
1551 property; disrupt his view; and create more noise from the emergency vehicles that
1552 would potentially respond to the residents living at Beth Sholom.

1553
1554 Should the Commission approve the request for the special height exception, staff can
1555 recommend approval of the revised plan as presented, subject to the annotations on the
1556 plan, the standard conditions for development of this type, condition 29 deleted,
1557 condition 33 revised, and the following conditions 30 through 36. Simon Mueller with
1558 Balzer and Associates, and representatives with Beth Sholom are here to answer any
1559 questions. I would be available to answer any questions as well.

1560
1561 Mr. Jernigan - All right. Are there any questions for Mr. Ward from the
1562 Commission?

1563
1564 Mrs. Jones - Mr. Ward, the use of this site is not significantly different
1565 from what it has been used for in years past. The neighbor that was concerned about
1566 impacts, he understands that this is simply enlarging the number of folks who will be on
1567 the property, but it's the same use?

1568
1569 Mr. Ward - Right.

1570
1571 Mrs. Jones - Okay. All right, thank you.

1572
1573 Mr. Jernigan - Did you want to hear from the applicant?

1574
1575 Mrs. Jones - I really would like to hear from the applicant for just one
1576 thing.

1577
1578 Mr. Jernigan - Okay. Would the applicant come down, please? Good
1579 morning.

1580
1581 Mr. Mueller - Good morning. My name is Simon Mueller with Balzer and
1582 Associates.

1583
1584 Mrs. Jones - Good morning, Mr. Mueller. I think every time we have a
1585 special exception, it's always important to understand why this is necessary. It is up to
1586 the applicant to make their case for the special exception. So, if you would address that
1587 for us, please.

1588 Mr. Mueller - Okay. Since the case is building-related, you have the
1589 architect, Mr. Tim Jamison from SFCS. He's better equipped to answer that.
1590
1591 Mrs. Jones - Okay.
1592
1593 Mr. Jamison - My name, again, is Tim Jamison, SFCS. The building is
1594 three stories. Our objective is to do two things. With the increased height, we want to
1595 give it a residential roof pitch, which would move away from the road and away from the
1596 parking to give the building a more residential feel to the neighborhood, as well as hide
1597 any kind of rooftop equipment. If it was a flat roof, you would see condensing units on
1598 the roof. We think it's an improvement to both the facility that we're building, as well as
1599 to any neighborhood or streetscape conditions that we're trying to meet. We could
1600 easily put a flat roof and meet the standard, but the sloped roof gives us that sort of
1601 homelike feeling that the building will have to both the campus and to the neighborhood.
1602
1603 Mrs. Jones - Is there a significant drop-off in the topography?
1604
1605 Mr. Jamison - There are changes in topography from east to west, and
1606 north to south, so that in some ways, the building that falls away in the backside,
1607 actually helps our height argument to both the neighborhood, and within the campus
1608 itself.
1609
1610 Mrs. Jones - So, a three-story building actually will look like a two-story
1611 building from—
1612
1613 Mr. Jamison - Well, I'd say it's going to look like a 2-1/2-story building from
1614 John Rolfe, and of course, we have mounding and lots of landscaping that's both
1615 existing and that we're adding to the campus. Believe me, our objective is to make this
1616 feel homelike, because that's what our client wants it to be. I think if people from the
1617 neighborhood were here, they would understand that this is all in good faith.
1618
1619 Mrs. Jones - Okay. Thank you. I just wanted to have you have that on
1620 record. I think the design will certainly fit well into the campus.
1621
1622 Mr. Jernigan - Any more questions for Mr. Jamison from the Commission?
1623 Okay, thank you, sir.
1624
1625 Mrs. Jones - I'm impressed with the effort that's gone into this project. I
1626 see Mr. Finkel in the audience, and I certainly wish you well as you go forward on a new
1627 chapter with Beth Sholom. If we're ready?
1628
1629 Mr. Jernigan - We're ready.
1630
1631 Mrs. Jones - Okay. I am going to put both the special exception and the
1632 POD in one motion, if that's all right. I would like to move approval of POD-57-08, Beth
1633 Sholom Lifecare Community – Parkside (POD-2-79, POD-111-87 and POD-15-98

1634 Revised), the plan of development and the special exception for height, with the revised
1635 caption, the revised condition as reflected on the addendum, deletion of #29, #33
1636 modified, and with conditions 30 through 36 in the agenda.

1637
1638 Mr. Vanarsdall - Second.

1639
1640 Mr. Jernigan - Number 33 was just modified.

1641
1642 Mrs. Jones - Would be as reflected on the addendum.

1643
1644 Mr. Jernigan - Okay. Motion by Mrs. Jones, seconded by Mr. Vanarsdall.
1645 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

1646
1647 The Planning Commission approved the special exception for height and the plan of
1648 development for POD-57-08, Beth Sholom Lifecare Community – Parkside (POD-2-79,
1649 POD-111-87 and POD-15-98 Revised), subject to the annotations on the plans, the
1650 standard conditions attached to these minutes for developments of this type, and the
1651 following additional conditions:

1652
1653 29. ~~DELETE - The right-of-way for widening of Gayton Road as shown on approved~~
1654 ~~plans shall be dedicated to the County prior to any occupancy permits being~~
1655 ~~issued. The right-of-way dedication plat and any other required information shall~~
1656 ~~be submitted to the County Real Property Agent at least sixty (60) days prior to~~
1657 ~~requesting occupancy permits.~~

1658 30. A concrete sidewalk meeting County standards shall be provided along the south
1659 side of Gayton Rd. and the west side of John Rolfe Pkwy.

1660 31. Evidence that an engineer has certified the height of the building shall be
1661 provided to the Director of Planning prior to the issuance of a Certificate of
1662 Occupancy.

1663 32. The proffers approved as a part of zoning case C-5C-08 shall be incorporated in
1664 this approval.

1665 33. **REVISED** - The limits and elevations of the Special Flood Hazard Area shall be
1666 conspicuously noted on the plan and labeled "Limits of Special Flood Hazard
1667 Area." In addition, the delineated Special Flood Hazard Area must be labeled
1668 "Variable Width Drainage and Utility Easement," **outside the footprint of**
1669 **existing buildings**. The easement shall be granted to the County prior to the
1670 issuance of any occupancy permits.

1671 34. Outside storage shall not be permitted.

1672 35. Approval of the construction plans by the Department of Public Works does not
1673 establish the curb and gutter elevations along the Henrico County maintained
1674 right-of-way. The elevations will be set by Henrico County.

1675
1676
1677
1678

1679 36. The location of all existing and proposed utility and mechanical equipment
1680 (including HVAC units, electric meters, junctions and accessory boxes,
1681 transformers, and generators) shall be identified on the landscape plan. All
1682 building mounted equipment shall be painted to match the building, and all
1683 equipment shall be screened by such measures as determine appropriate by the
1684 Director of Planning or the Planning Commission at the time of plan approval.

1685
1686 Mr. Jernigan - We have to back up a second.

1687
1688 Mr. Emerson - Yes, sir. I apologize. I did miss POD-54-08.

1689 **PLAN OF DEVELOPMENT**

1690
1691
POD-54-08 **Kimley Horn Associates for 1701 Byrd Ave. LLC and**
Markel Road Parking Lot- **The Rebkee Company:** Request for approval of a plan of
On Markel Rd. between development, as required by Chapter 24, Section 24-106
Willow Lawn Dr. and Byrd of the Henrico County Code, to construct a 42-space
Ave. commercial parking lot. The 0.56-acre portion of the
2.874-acre site is located on the west line of Markel Rd.
approximately 450 feet northwest of the intersection of
Willow Lawn Dr. and Markel Rd. on part of parcel 772-737-
7160. The zoning is B-2, Business District. **(Brookland)**

1692
1693 Mr. Jernigan - Is there any opposition to POD-54-08, Markel Road Parking
1694 Lot? There is no opposition.

1695
1696 Mr. Pambid - Good morning, Mr. Chairman and members of the Planning
1697 Commission.

1698
1699 The request is for a 42-space parking lot intended to serve as overflow parking for the
1700 Willow Lawn Center. That's also known as the CVS at the intersection of Broad Street
1701 and Willow Lawn Drive. Willow Lawn Center features office space on the second floor
1702 and retail on the ground floor. The site, which is situated directly between the Faison
1703 School for Autism and the Willow Lawn Sewer Pump Station is 2.874 acres, upon which
1704 .56 acres will be used for this development. It's directly across Markel Road from the
1705 Enterprise Center, which is a round multi-story building with a crumpled aluminum
1706 appearance, just for a more vernacular description of the location.

1707
1708 No buildings are proposed with this POD. A 25-foot transitional buffer is required along
1709 Fitzhugh Avenue, which the applicant has shown on a conceptual landscape plan.
1710 There are several existing trees, several existing substantial trees along Fitzhugh, and
1711 supplemental plantings may be used to fill in and complete the buffer.

1712
1713 Staff recommends approval subject to the annotations on the plan, standard conditions
1714 for developments of this type, and conditions 29 and 30.

1715 I'm happy to answer any questions that you might have. Dave Ellington with Kimley
1716 Horn, and Paul Sprouse and Rob Hargett with the Rebkee Company are also here to
1717 address any questions you might have. That completes my presentation.

1718
1719 Mr. Jernigan - Are there any questions for Mr. Pambid from the
1720 Commission?

1721
1722 Mr. Vanarsdall - I don't have any questions. He and I have talked about this
1723 several times.

1724
1725 Mr. Jernigan - Okay.

1726
1727 Mr. Vanarsdall - I don't need to hear from the applicant.

1728
1729 Mr. Jernigan - You don't?

1730
1731 Mr. Vanarsdall - Don't.

1732
1733 Mr. Jernigan - Okay. Well, then you may make a motion, Mr. Vanarsdall.

1734
1735 Mr. Vanarsdall - I move POD-54-08, Markel Road Parking Lot, be approved
1736 with annotations on the plan, standard conditions for developments of this type, and the
1737 following conditions 29 and 30.

1738
1739 Mrs. Jones - Second.

1740
1741 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mrs. Jones. All in
1742 favor say aye. All opposed say no. The ayes have it; the motion passes.

1743
1744 The Planning Commission approved POD-54-08, Markel Road Parking Lot, subject to
1745 the annotations on the plans, the standard conditions attached to these minutes for
1746 developments of this type, and the following additional conditions:

1747
1748 29. There shall be no outdoor storage in moveable storage containers including, but
1749 not limited to, cargo containers and portable on demand storage containers.

1750 30. Outside storage shall not be permitted.

1751 Mr. Vanarsdall - Mr. Pambid, thank you for getting this in order.

1752
1753 Mr. Pambid - Thank you, sir.

1754

- 1792 13. Each lot shall contain at least 11,000 square feet.
 1793 14. Any necessary offsite drainage easements must be obtained prior to final
 1794 approval of the construction plan by the Department of Public Works.
 1795 15. The proffers approved as part of zoning case C-14C-08 shall be incorporated in
 1796 this approval.
 1797 16. A subdivision landscape plan shall be submitted to the Department of Planning
 1798 for review and approval prior to recordation of the plat.
 1799

1800 **PLAN OF DEVELOPMENT**
 1801

POD-55-08 **Timmons Group for Bon Secours Richmond Health Systems and Nelsen Funeral Home, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a three-story, 51,990 square foot medical office building. The 4.8-acre site is located on the west line of S. Laburnum Ave., approximately 850 feet north of Audubon Dr. and on the north line of Audubon Dr. approximately 1,000 feet west of S. Laburnum Ave. on parcels 814-716-7188 and 7558 (part). The zoning is O-2, Office District and ASO Airport Safety Overlay District. County water and sewer. **(Varina)**

1802
 1803 Mr. Jernigan - Is there any opposition to POD-55-08, Laburnum Medical
 1804 Center? There is no opposition. Good morning.
 1805

1806 Ms. Berndt - Good morning. The plan you have before you proposes a
 1807 redevelopment of the existing Laburnum Medical Center, which is located across from
 1808 White Oak Village—you can see on this map. The applicant proposes to replace the
 1809 two existing structures with one three-story, 53,000-square-foot building, which would
 1810 also expand the parking lot to the rear. This would accommodate the increase in service
 1811 capacity for the medical center. The proposed building is primarily brick with some stone
 1812 accents, as you can see in this color rendering here.
 1813

1814 Staff recommends approval subject to the annotations on the plan, the standard
 1815 conditions for developments of this type, and additional conditions 29 through 37 in your
 1816 agenda.
 1817

1818 The applicant’s engineer, Chris Sibold, is here from Timmons, as well as the architect,
 1819 Tom McLaughlin. He’s from Odell. We also have Kyle Woolfolk and Cabell Ackerly of
 1820 Bon Secours here to answer any questions you may have of them. I’m happy to answer
 1821 any questions the Commission may have of me.
 1822

1823 Mr. Jernigan - Any questions for Ms. Berndt from the Commission? Our
 1824 discussion on the phone the other day about the auxiliary generator, was there any
 1825 more discussion about that with the neighbors, or were they okay?

1826 Ms. Berndt - I didn't hear anything. No neighbors contacted staff. The
1827 enclosure will be masonry, and it's just an emergency generator.
1828

1829 Mr. Jernigan - Runs between 10 and 3 twice a month. Okay. Thank you,
1830 Ms. Berndt. I don't need to hear from the applicant on this. I think this is a great looking
1831 project, and it's going to be an asset, especially right out there with the White Oak Mall
1832 coming up.
1833

1834 With that, I will move for approval of POD-55-08, Laburnum Medical Center, subject to
1835 the annotations on the plan, standard conditions for developments of this type, and the
1836 following additional conditions #29 through 37.
1837

1838 Mr. Vanarsdall - Second.
1839

1840 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
1841 favor say aye. All opposed say no. The ayes have it; the motion passes.
1842

1843 The Planning Commission approved POD-55-08, Laburnum Medical Center, subject to
1844 the annotations on the plans, the standard conditions attached to these minutes for
1845 developments of this type, and the following additional conditions:
1846

1847 29. The right-of-way for widening of S. Laburnum Ave. as shown on approved plans
1848 shall be dedicated to the County prior to any occupancy permits being issued.
1849 The right-of-way dedication plat and any other required information shall be
1850 submitted to the County Real Property Agent at least sixty (60) days prior to
1851 requesting occupancy permits.

1852 30. A concrete sidewalk meeting County standards shall be provided along the west
1853 side of S. Laburnum Ave.

1854 31. Outside storage shall not be permitted

1855 32. A construction staging plan which includes details for traffic control, fire
1856 protection, stockpile locations, construction fencing and hours of construction
1857 shall be submitted for County review and prior to the approval of any final
1858 construction plans.

1859 33. The certification of building permits, occupancy permits and change of
1860 occupancy permits for individual units shall be based on the number of parking
1861 spaces required for the proposed uses and the amount of parking available
1862 according to approved plans.

1863 34. Approval of the construction plans by the Department of Public Works does not
1864 establish the curb and gutter elevations along the Henrico County maintained
1865 right-of-way. The elevations will be set by Henrico County.

1866 35. The owners shall not begin clearing of the site until the following conditions have
1867 been met:

1868 (a) The site engineer shall conspicuously illustrate on the plan of development
1869 or subdivision construction plan and the Erosion and Sediment Control
1870 Plan, the limits of the areas to be cleared and the methods of protecting

1910 existing lot cannot support *any* sewage disposal system approvable by the Virginia
1911 Department of Health.

1912
1913 The proposed drainfield site is located on an adjacent B-3 zoning, approximately 250
1914 feet southwest of the existing lot in the furthest corner of the parcel, as shown here.
1915 This location provides the most protection from future disturbance. There is an
1916 additional drainfield site on the B-3 parcel approximately 350 feet east, closer to Charles
1917 City Road. Wilton Development, the owner of the B-3 parcel, would like to retain that
1918 sewage disposal site for future development.

1919
1920 Staff is concerned because the proposed configuration of the lot is not a desirable
1921 layout. Robby Nelson and his soil scientist are here to present their case due to the
1922 extenuating circumstances they have presented. I would be happy to answer any
1923 questions, should the Commission have any for me. Should the Commission act on this
1924 request, we recommend the annotations on the plan, the standard conditions for
1925 developments of this type, and additional conditions 12 and 13 in the agenda.

1926
1927 Mr. Jernigan - Are there any questions for Ms. Goggin from the
1928 Commission? Okay, thank you, Ms. Goggin.

1929
1930 Ms. Goggin - You're welcome.

1931
1932 Mr. Jernigan - I guess when you all looked in your packet—I know these
1933 aren't very popular. At this point, I feel that Mr. Nelson has exhausted everything that
1934 he can do to try to get this on that site, but due to the soil tests coming back negative,
1935 they can't do anything. That's what we required, and that's what Ms. Goggin required,
1936 that they exhaust every means to make this site workable, but it's not without offsite.

1937
1938 With that, I will move for approval of SUB-19-08, Glendale Estates (September 2008
1939 Plan), subject to the annotations on the plans, the standard conditions for developments
1940 of this type, and the following additional conditions #12 and #13.

1941
1942 Mr. Branin - Second.

1943
1944 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Branin. All in favor
1945 say aye. All opposed say no. The ayes have it; the motion passes.

1946
1947 The Planning Commission granted conditional approval to SUB-19-08, Glendale Estates
1948 (September 2008 Plan), subject to the standard conditions attached to these minutes for
1949 subdivisions served by public utilities, the annotations on the plans, and the following
1950 additional conditions:

- 1951
1952 12. The final plat for recordation shall contain information showing The Chesapeake
1953 Bay Preservation areas, if any, in accordance with Chapter 19, Section 19-72 (18),
1954 of the Henrico County Code, as determined by the Director of Public Works.
1955 13. The lot shall be connected to public sewer when it becomes available.

1956 **SUBDIVISION**

1957
SUB-22-08 **Burgess & Niple for Pemberton Group, LLC and Ceres Road, LLC:** The 0.393-acre site proposed for a subdivision of 1 lot single-family home is located at 3314 Ceres Rd. on parcel 753-756-9834. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. **(Three Chopt) 1 Lot**
Pemberton Crossing
(Re-subdivision of
Pemberton Crossing, Sec
A, Blk B Reserve Area)
(September 2008 Plan)

1958
1959 Mr. Jernigan - We do have opposition, as we found out. Mr. Garrison, you
1960 may proceed.

1961
1962 Mr. Garrison - Good morning. The applicant is requesting approval of a
1963 one-lot subdivision of a reserve area of already-approved Pemberton Crossing.

1964
1965 The plan meets all the requirements, therefore staff can recommend approval subject to
1966 the annotations on the plan and the standard conditions for subdivisions served by
1967 public utilities.

1968
1969 Spud Mister with Burgess and Niple is available to answer any questions, as well as
1970 Scott Jackson with Public Works, and Sharon Smidler with Public Works.

1971
1972 Mr. Jernigan - Are there any questions for Mr. Garrison from the
1973 Commission?

1974
1975 Mr. Branin - I don't have any, Mr. Chairman. There are three people in
1976 the audience that have some questions and some concerns. I'd like to get them to voice
1977 those, so we can get Spud or staff to respond.

1978
1979 Mr. Jernigan - Do you want the opposition first?

1980
1981 Mr. Branin - Absolutely.

1982
1983 Mr. Jernigan - Okay. Good morning.

1984
1985 Mrs. Buehler - I'm Francis Buehler, and I represent the Pemberton Crossing
1986 Homeowners Association. We are not questioning the legality of Mr. Hood being able to
1987 apply for permits or whatever. We are only here from an aesthetic standpoint and an
1988 ecological standpoint. I just want to show you, or to tell you very briefly—because
1989 you've been real busy this morning—about this little wetlands. It's a tiny little spot. It's
1990 less than a tenth of an acre. It was created in 2003 when Mr. Hood was granted a
1991 permit to build 31 homes. The Department of Environmental Quality and the Army
1992 Corps of Engineers insisted that he create wetlands as a mitigation site, a little
1993 conservation lot. That is what we have now on the two lots. They only allowed him to
1994 build 29 homes. He got his permit; he built his 29 homes.

1995 In the building of the 29 homes, the entire development was denuded of every tree,
1996 bush, shrub, grass, blade—everything. What we had left in our little neighborhood is this
1997 tiny little wetlands area. The area in question is .09-acre of forested wetland. It includes
1998 175 feet of a stream on a conservation lot. The site contains an intermittent stream
1999 associated with Deep Run. It runs down Ceres Road, and down towards Meadowview,
2000 and then into a little creek that feeds Deep Run. The wetlands provide a filter for water
2001 runoff from two directions—east and north. This little tiny thing contains our
2002 neighborhood’s only mature trees. Since the land for our neighborhood, as I said, was
2003 completely denuded prior to the construction of the homes, the wetland area also
2004 contains our only lush undergrowth, our large native shrubs, grasses, and wildflowers.
2005 We are just now seeing birds, and bees, and frogs, and snakes, and butterflies come
2006 back to the area because of the building around.

2007
2008 The buildings on this site, if this is allowed, will increase the impervious surface area of
2009 our neighborhood.

2010
2011 I know that Mr. Hood is certainly allowed to purchase credit from an approved mitigation
2012 site, but that would deny us, our 29 families, the pleasure of seeing this tiny little stand
2013 of trees and beautiful wetlands. These same conditions as listed in 2003—and I note
2014 this is a DEQ question and it’s also an Army Corps of Engineers’ question, and we have
2015 been in touch with them to voice our concerns. I just wanted to go on record to voice our
2016 concerns to you.

2017
2018 Thank you.

2019
2020 Mr. Jernigan - Ms. Buehler.

2021
2022 Ms. Buehler - Yes, sir.

2023
2024 Mr. Jernigan - What’s .9?

2025
2026 Ms. Buehler - It’s less than a tenth of an acre. It’s nine one-hundredths of
2027 an acre, so it’s less than a tenth of an acre. It’s a tiny little spot.

2028
2029 Mr. Jernigan - The lot is .393.

2030
2031 Ms. Buehler - Yes. That lot is two whole lots—I don’t know if I’m looking at
2032 this correctly. This little tiny wetlands is just in the front of one of those lots.

2033
2034 Mrs. Jones - 0.194 acres is the wetlands.

2035
2036 Mr. Jernigan - Just to let you know, by Code—

2037
2038 Ms. Buehler - I know.

2039

2040 Mr. Jernigan - —Virginia law is that if this is zoned properly, and if this POD
2041 meets County code, we have to pass it.
2042
2043 Ms. Buehler - I understand that. I know. I'm just going on record.
2044
2045 Mr. Jernigan - I mean this subdivision. I'm sorry. If it meets code, we're
2046 bound by law to pass it.
2047
2048 Ms. Buehler - I fully understand.
2049
2050 Mr. Jernigan - Okay.
2051
2052 Ms. Buehler - Thank you for hearing me.
2053
2054 Mr. Jernigan - Yes, ma'am.
2055
2056 Mr. Branin - Is the applicant here?
2057
2058 Mr. Garrison - Yes, he's here, Spud Mister.
2059
2060 Mr. Jernigan - Good morning.
2061
2062 Mr. Mister - Good morning. I'm Spud Mister with Burgess and Niple
2063 representing the applicant.
2064
2065 Mr. Branin - Good morning, how are you?
2066
2067 Mr. Mister - Just fine.
2068
2069 Mr. Branin - Mr. Mister, I'm going to make a recommendation to that
2070 homeowners association, and I'd like you to carry it back to your applicant. These
2071 people do want to preserve this land, and keep it as an area. I'm going to recommend to
2072 them that because we have no authority to deny it, we have to approve, the only thing
2073 that they could possibly do is buy the land from your applicant.
2074
2075 Mr. Mister - That's certainly an option.
2076
2077 Mr. Branin - I'm going to recommend to them that the homeowners'
2078 association buy that land, if they want to preserve it, because that's the only thing that
2079 can preserve it. You then take it into your homeowners' association. If you would carry
2080 that message.
2081
2082 Mr. Miister - I will certainly do that.
2083
2084 Mr. Branin - That's all I needed you for, sir.
2085

2086 Mr. Mister - Okay. Thank you.
2087
2088 Mrs. Jones - I have a quick question. Because this has been referenced
2089 as a real benefit for the drainage, is there going to be other accommodation for drainage
2090 if this is not kept in its current form? What kind of impact will that have if this site is
2091 developed and the wetlands taken away?
2092
2093 Mr. Mister - The drainage will be the same as it's always been. There are
2094 pipes there, and the drainage will be picked up in the pipes. I think if you go out there
2095 and look at this site—and this goes back a long time. This had to do with an issue
2096 between the Corps of Engineers and the developer, Mr. Hood. They took jurisdiction
2097 over this as a navigable water of the U.S. If anybody can go out there and tell me that
2098 is navigable water, you've done something. What it's done is—And no wetlands were
2099 created; this was an existing wetland that was there. No new ones were created. We
2100 also have a mosquito control ordinance in Henrico County where we try to keep out
2101 areas where stagnant water will sit and cause mosquitoes to breed in the middle of
2102 subdivisions, that's exactly what this area is doing. But it won't affect the drainage.
2103
2104 Mrs. Jones - Okay.
2105
2106 Mr. Jernigan - Thank you, Mr. Mister.
2107
2108 Mr. Mister - Actually, putting a house there makes this a much better
2109 area, and the lot that will be left will still have most of the mature trees on it.
2110
2111 Mr. Jernigan - Okay. Any more questions from the Commission?
2112
2113 Ms. Buehler - [Off mike.] [Inaudible.]
2114
2115 Mr. Branin - Only if you come down and speak into the microphone.
2116
2117 Ms. Buehler - Mr. Hood has stated that within five years, he would like to
2118 put in the other house thereby wiping out the entire wetlands. Eventually, that will be
2119 gone forever. A little tiny spot is going to be left. According to people I've heard, that's
2120 just designed so that the wetlands will dry up, and then it's no longer a wetlands.
2121 Therefore, it's a good buildable lot. Thank you.
2122
2123 Mr. Jernigan - Thank you, Ms. Buehler. All right, Mr. Branin.
2124
2125 Mr. Branin - Okay. Mr. Chairman, I'd like to move for approval of SUB-
2126 22-08 Pemberton Crossing (September 2008 Plan), subject to the annotations on the
2127 plan, standard conditions of subdivisions served by public utilities, and the following
2128 additional condition 13.
2129
2130 Mr. Vanarsdall - Second.
2131

2132 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
2133 favor say aye. All opposed say no. The ayes have it; the motion passes.
2134

2135 The Planning Commission granted conditional approval to SUB-22-08 Pemberton
2136 Crossing (September 2008 Plan), subject to the standard conditions attached to these
2137 minutes for subdivisions served by public utilities, the annotations on the plans, and the
2138 following additional conditions:
2139

2140 13. The proffers approved as part of zoning case C-8C-02 shall be incorporated in this
2141 approval.
2142

2143 Mr. Emerson - Mr. Chairman, that brings us to the final item on your
2144 agenda, which is the approval of the minutes of July 23, 2008.
2145

2146 APPROVAL OF MINUTES: July 23, 2008
2147

2148 Mr. Jernigan - I do have a correction. Page 9, line 274, where it says, "Mr.
2149 Jernigan." That's supposed to be "Mr. Branin." Mr. Branin was talking to me on this
2150 one.
2151

2152 Mr. Archer - I'm sorry, what line was that, Mr. Chairman?
2153

2154 Mr. Jernigan - Page 9, line 274. That's the only thing I have. Any other
2155 corrections? Do I hear a motion.
2156

2157 Mr. Vanarsdall - I move that the minutes be accepted as corrected.
2158

2159 Mr. Jernigan - Do I have a second?
2160

2161 Mr. Branin - Second.
2162

2163 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Branin to accept
2164 the minutes of July 23, 2008, as corrected. All in favor say aye. All opposed say no.
2165 The ayes have it; the motion passes.
2166

2167 The Planning Commission approved the July 23, 2008 minutes as corrected.
2168

2169 Mr. Vanarsdall - I move we adjourn.
2170

2171 Mr. Branin - Second.
2172

2173 The meeting is adjourned.
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2190

E. Ray Jernigan, Chairperson

R. Joseph Emerson, Jr., Secretary