

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held
2 in the Board Room of the County Administration Building, Parham and Hungary Spring Roads at 7:00 p.m.,
3 March 11, 2004, Display Notice having been published in the Richmond Times-Dispatch on February 19,
4 2004 and February 26, 2004.

5
6 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Vice-Chairman, Brookland
7 Mr. C. W. Archer, C.P.C., Fairfield
8 Mr. John Marshall, Three Chopt
9 Mr. Randall R. Silber, Assistant Director of Planning, Secretary
10 Mr. James B. Donati, Jr., Board of Supervisors, Varina

11
12 Members Absent: Mrs. Lisa D. Ware, Chairman

13
14 Others Present: Mr. Ralph J. Emerson, Principal Planner
15 Mr. Mark Bittner, County Planner
16 Ms. Jean Moore, County Planner
17 Mr. Thomas Coleman, County Planner
18 Mr. Paul Gidley, County Planner
19 Mr. Kevin Wilhite, County Planner
20 Mr. Michael Kennedy, County Planner
21 Ms. Debra Ripley, Recording Secretary

22
23 Mr. Vanarsdall - Good evening ladies and gentlemen. The Planning Commission will now begin.
24 Good evening fellow Commissioners. Good evening, Mr. Silber, Secretary, and Mr. Donati, our Board
25 member and good evening staff members. We have quite a few deferments tonight and the Chairman, Lisa
26 Ware, is unable to be here tonight. She is out of town, so I am substituting as Vice Chairman. With that, I
27 will turn all the cases over to our Secretary, Mr. Silber.

28
29 Mr. Silber - Thank you, Mr. Vanarsdall, and acting as Chairman, I appreciate that. We
30 do have, as Mr. Vanarsdall indicated, a number of deferrals today. Maybe at this point, Mr. Emerson, if you
31 can walk us through the deferrals that are on the agenda we would appreciate that.

32
33 Mr. Emerson - Certainly, Mr. Secretary. The first deferral is on page 6 of the agenda. It
34 is C-18C-03. The deferral is requested to the May 13, 2004 meeting.

35
36 **THREE CHOPT:**

37 **Deferred from the February 12, 2004 Meeting:**

38 **C-18C-03 James W. Theobald for Commercial Net Lease Realty Services, Inc.:** Request to
39 conditionally rezone from B-3 Business District and A-1 Agricultural District to B-2C Business District
40 (Conditional), Parcel 741-761-8112 and part of Parcel 741-761-8532, containing approximately 2.899 acres,
41 located at the southeast intersection of W. Broad Street (U. S. Route 250) and Three Chopt Lane. A retail
42 use is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The
43 Land Use Plan recommends Office and Commercial Concentration. This site is within the West Broad Street
44 Overlay District.

45
46 Mr. Vanarsdall - Is anyone in the audience in opposition to the deferment of this case, C-
47 18C-03? Mr. Marshall.

48
49 Mr. Marshall - Mr. Chairman, I move that Case C-18C-03 be deferred to the May 13,
50 2004 meeting at the request of the applicant.

51
52 Mr. Jernigan - Second.
53

54 Mr. Vanarsdall - Motion made by Mr. Marshall and second by Mr. Jernigan. All in favor say
55 aye. All opposed say no. The motion passes.
56

57 At the request of the applicant, the Planning Commission deferred Case C-18C-03, James W. Theobald for
58 Commercial Net Lease Realty Services, Inc., to its meeting on May 13, 2004.
59

60 **C-9C-04 Gloria Freye for Webb L. Tyler and G. Edmond Massie, IV:** Request to conditionally
61 rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional) and C-1
62 Conservation District, Parcels 744-764-5770, 744-764-5157, 744-764-4443, 744-764-3831, 744-764-3317,
63 744-764-2703, 744-763-2190, 744-763-1576, part of Parcels 744-763-0961 and 744-763-0148 (McDonalds
64 Small Farms subdivision), and Parcel 743-763-3572, containing 30.31 acres (R-3C= 28.83 ac.; C-1= 1.48
65 ac.), located along the west line of Belfast Road beginning at a point approximately 167 feet south of its
66 intersection with Dublin Road and on the east line of I-295 approximately 375 feet north of I-64. The
67 applicant proffers no more than 2.2 single family residential dwelling units (approximately 67 single family
68 units) per acre. The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan
69 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
70

71 Mr. Emerson - The deferral is requested to the April 15, 2004 meeting.
72

73 Mr. Vanarsdall - Is anyone in the audience in opposition to this case, C-9C-04? Are you in
74 opposition or do you just want to ask a question? If you don't mind, come up to the mike so we can get
75 you on tape and state your name, please.
76

77 Mr. Albert Trent - My name is Albert Trent and we live on Belfast Road, and if they can get
78 the permission and right of way to go ahead and do all this construction that they are proposing in this
79 area, it is going to destroy everybody's well and septic that is already previously living there. They have no
80 plans to have water come through. You know, before they start, and like I said, everybody out there is on
81 well and septic.
82

83 Mr. Silber - Was your name Mr. Trent? What is proposed at this point tonight is to
84 defer this request and bring it back next month. You are expressing some concerns about the rezoning. If
85 the Commission defers this, you will have an opportunity to speak to this next month. It sounds as though
86 you have concerns about the development as a whole. I guess you live across the street from this
87 development on Belfast.
88

89 Mr. Trent - Right.
90

91 Mr. Silber - They will be bringing water and sewer, public water and sewer to the
92 property. It could have impact. I don't know. It could have impact on your well. That would need to be
93 explored, but what is up tonight is a request to defer this request. I guess what the Commission is asking
94 is, do you have opposition to the deferral of this case?
95

96 Mr. Trent - Well, I don't see why they should keep wasting taxpayers dollars to keep
97 meeting about it and meeting about it, when it could be settled right now.
98

99 Mr. Vanarsdall - Well, we will talk about that when we hear it next month. It is going to be
100 deferred to April 15, 2004, and thank you for coming down. Mr. Marshall.
101

102 Mr. Marshall - Mr. Chairman, I move that Case C-9C-04 be deferred to the April 15, 2004
103 meeting at the request of the applicant.
104

105 Mr. Jernigan - Second.
106

107 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All in favor
108 say aye. All opposed say no. The ayes have it. The motion is passed.
109

110 At the request of the applicant, the Planning Commission deferred Case C-9C-04, Gloria Freye for Webb L.
111 Tyler and G. Edmond Massie, IV, to its meeting on April 15, 2004.
112

113 **C-11C-04 Gloria Freye for Webb L. Tyler and G. Edmond Massie, IV:** Request to conditionally
114 rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional) and C-1
115 Conservation District, Parcels 743-764-6363 and 743-764-4622, containing 20.95 acres (R-3C= 13.93 ac.;
116 C-1= 7.02 ac.), located between Belfast Road and I-295. The applicant proffers no more than 2.2 single
117 family residential dwelling units (approximately 46 single family units) per acre. The R-3 District allows a
118 minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4
119 units net density per acre, and Environmental Protection Area.
120

121 Mr. Emerson - The deferral is requested to the April 15, 2004 meeting.
122

123 Mr. Vanarsdall - Is anyone in the audience in opposition to C-11C-04 in the Three Chopt
124 District? Mr. Marshall.
125

126 Mr. Marshall - Mr. Chairman, I move that Case C-11C-04 be deferred to the April 15,
127 2004 meeting at the request of the applicant.
128

129 Mr. Archer - Second, Mr. Chairman.
130

131 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Archer. All in favor say
132 aye. All opposed say no. The motion passes.
133

134 At the request of the applicant, the Planning Commission deferred Case C-11C-04, Gloria Freye for Webb L.
135 Tyler and G. Edmond Massie, IV, to its meeting on April 15, 2004.
136

137 **TUCKAHOE:**

138 **Deferred from the December 11, 2003 Meeting:**

139 **C-73C-03 Gloria Freye for WILHOOK, LLC:** Request to conditionally rezone from A-1 Agricultural
140 District and R-1 One Family Residence District to R-2AC One Family Residence District (Conditional), part of
141 Parcel 744-742-5871, containing 22.753 acres, located on the north line of Patterson Avenue (Route 6)
142 approximately 1,600 feet west of Gaskins Road. The applicant proposes no more than forty (40) single
143 family residential lots. The R-2A Districts allows a minimum lot size of 13,500 square feet. The Land Use
144 Plan recommends Semi Public.
145

146 Mr. Emerson - The deferral is requested to the April 15, 2004 meeting.
147

148 Mr. Vanarsdall - Anyone in the audience in opposition to C-73C-03 in the Tuckahoe
149 District? No opposition.
150

151 Mr. Archer - Mr. Chairman, I move deferral of Case C-73C-03, to the April 15, 2004
152 meeting at the request of the applicant.
153

154 Mr. Marshall - Second.
155

156 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Marshall. All in favor say
157 aye. All opposed say no. The ayes have it. The motion passes.
158

159 At the request of the applicant, the Planning Commission deferred Case C-73C-03, Gloria Freye for
160 WILHOOK, LLC, to its meeting on April 15, 2004.

161

162 **Deferred from the January 15, 2004 Meeting:**

163 **C-56C-03 Finer Homes, Inc. & Debbie Stoddard:** Request to conditionally rezone from A-1
164 Agricultural District to R-2AC One Family Residence District (Conditional) Parcel 802-696-9269 and part of
165 Parcel 803-696-6866, containing 41.758 acres, located on the east line of Osborne Turnpike approximately
166 0.41 mile north of Tree Ridge Road and approximately 240 feet west of the western terminus of Harmony
167 Avenue. A single family residential subdivision is proposed. The R-2A District allows a minimum lot size of
168 13,500 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density
169 per acre.

170

171 Mr. Emerson - The deferral is requested to the May 13, 2004 meeting.

172

173 Mr. Vanarsdall - Anyone in opposition to the deferral of Case C-56C-03? No opposition.

174

175 Mr. Jernigan - With that Mr. Chairman, I will move for deferral of Case C-56C-03 to May
176 13, 2004, by request of the applicant.

177

178 Mr. Marshall - Second.

179

180 Mr. Vanarsdall - We have a motion made by Mr. Jernigan and seconded by Mr. Marshall.
181 All in favor say aye. All opposed say no. The motion passes.

182

183 At the request of the applicant, the Planning Commission deferred Case C-56C-03, Finer Homes, Inc. &
184 Debbie Stoddard, to its meeting on May 13, 2004.

185

186 **C-13C-04 J. Kevin Humphrey for Mike Fleetwood:** Request to conditionally rezone from A-1
187 Agricultural District, M-1 Light Industrial District and M-2 General Industrial District to M-2C General
188 Industrial District (Conditional), Parcels 819-704-9284, 820-705-3941, 820-705-5372, 820-706-5002, 820-
189 705-6725 and 819-703-7057, containing 105.164 acres, located at the southwest intersection of Monahan
190 and Charles City Roads and the C&O Railroad. Light Industrial manufacturing with possible hotel/retail uses
191 are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The
192 Land Use Plan recommends Planned Industry. The site is in the Airport Safety Overlay District.

193

194 Mr. Emerson - The deferral is requested to the May 13, 2004 meeting.

195

196 Mr. Vanarsdall - Anyone in the audience in opposition to the deferral of C-13C-04? No
197 opposition. Mr. Jernigan.

198

199 Mr. Jernigan - Mr. Chairman, I make a motion to defer Case C-13C-04 to May 13, 2004,
200 by request of the applicant.

201

202 Mr. Marshall - Second.

203

204 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Marshall. All in favor
205 say aye. All opposed say no. The motion passes.

206

207 At the request of the applicant, the Planning Commission deferred C-13C-04, J. Kevin Humphrey for Mike
208 Fleetwood, to its meeting on May 13, 2004.

209

210 **P-1-04 Ambre Blatter for Omnipoint Communications:** Request for a provisional use permit under
211 Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of the County Code in order to allow a 30-foot extension

212 of an existing 97-foot telecommunications tower and erect an associated unmanned communication
213 equipment platform at the base of the tower, on part of Parcel 775-744-9936, containing 1,085 square feet,
214 located on the west side of Byrdhill Road approximately 200 feet south of Oakland Avenue. The existing
215 zoning is M-1 Light Industrial District. The Land Use Plan recommends Light Industry.

216
217 Mr. Emerson - The deferral is requested to the April 15, 2004 meeting.

218
219 Mr. Vanarsdall - Anyone in the audience in opposition to the deferral of P-1-04 in the
220 Brookland District? No opposition. I move that P-1-04 be deferred to April 15, 2004, at the request of the
221 applicant.

222
223 Mr. Marshall - Second.

224
225 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Marshall. All in favor say
226 aye. All opposed say no. The motion passes.

227
228 At the request of the applicant, the Planning Commission deferred Case P-1-04, Ambre Blatter for
229 Omnipoint Communications, to its meeting on April 15, 2004.

230
231 Mr. Jernigan - Is Jack Nelson in the audience? OK.

232
233 Mr. Emerson - Mr. Chairman, that completes all of the requests for deferrals for tonight
234 unless the Commission would have additional deferrals they would like to add.

235
236 Mr. Archer - I do have one more, Mr. Chairman.

237
238 **FAIRFIELD:**

239 ***Deferred from the February 12, 2004 Meeting:***

240 **C-7C-04 Larry Horton for Anthony P. Renaldi:** Request to conditionally rezone from A-1
241 Agricultural District and M-1C Light Industrial District (Conditional) to R-2C (15.29 ac.) and R-2AC (48.52
242 ac.) One Family Residence Districts (Conditional), Parcels 813-733-7603, 814-732-6992, 815-733-0010 and
243 part of Parcel 815-733-2040, containing approximately 63.81 acres, located on the north line of Creighton
244 Road approximately 360 feet east of Cedar Fork Road. The applicant proposes no more than one hundred
245 twenty-five (125) single family residential lots. The R-2A District allows a minimum lot size of 13,500
246 square feet; the R-2 District allows a minimum lot size of 18,000 square feet. The Land Use Plan
247 recommends Office/Service. The site is in the Airport Safety Overlay District.

248
249 Mr. Emerson - Mr. Chairman, that is on page 9 of your agenda.

250
251 Mr. Vanarsdall - Is there anyone here tonight in opposition of deferral of Case C-7C-04 in
252 the Fairfield District? No opposition. Mr. Archer.

253
254 Mr. Archer - Mr. Chairman, I move deferral of Case C-7C-04, Larry Horton for Anthony
255 P. Renaldi, to the April 15, 2004 meeting at the request of the Commission.

256
257 Mr. Marshall - Second.

258
259 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Marshall. All in favor say
260 aye. All opposed say no. The motion passes.

261
262 The Planning Commission deferred Case C-7C-04, Larry Horton for Anthony P. Renaldi, to its meeting on
263 April 15, 2004.

264

265 Mr. Marshall - Mr. Chairman, I'd like to know if there is anybody here on Case C-4C-04?
266 Mr. Emerson, you could say that to the audience, to see if anyone is here for that case.
267

268 **Deferred from the February 12, 2004 Meeting:**

269 **C-4C-04 Bill Axelle for Forest Park Associates, L.L.C.:** Request to conditionally rezone from
270 RTH Residential Townhouse District and O-2 Office District to B-1C Business District (Conditional) and O-2C
271 Office District (Conditional), Parcel 758-743-7963, containing 1.815 acres (B-1C – 0.888 acre, O-2C – 0.927
272 acre), located at the northeast intersection of Santa Rosa and Three Chopt Roads. An office and retail
273 center is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations.
274 The Land Use Plan recommends Office.
275

276 Mr. Vanarsdall - Is anyone in the audience in opposition to the deferment of this case?
277

278 Mr. Marshall - Is there anybody here for that case?
279

280 Mr. Andy Condlin - Mr. Chairman, Andy Condlin from Williams Mullen. Seeing no opposition
281 and given our previous notice, I'd like to request a deferral to July 15, 2004.
282

283 Mr. Vanarsdall - Since there is no one here, I wouldn't think there would be anybody here
284 in opposition, so Mr. Marshall.
285

286 Mr. Marshall - Mr. Chairman, I move that Case C-4C-04 Bill Axelle for Forest Park
287 Associates, L.L.C. be deferred to the July 15, 2004 meeting at the request of the applicant.
288

289 Mr. Jernigan - Second.
290

291 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All in favor
292 say aye. All opposed say no. The motion passes.
293

294 At the request of the applicant, the Planning Commission deferred Case C-4C-04, Bill Axelle for Forest Park
295 Associates, L.L.C., to its meeting on July 15, 2004.
296

297 Mr. Marshall - Mr. Chairman, the next case I am going to ask for a deferral on is C-5C-04
298 and I believe there are people here for that case.
299

300 **Deferred from the February 12, 2004 Meeting:**

301 **C-5C-04 Robert M. Atack:** Request to conditionally rezone from A-1 Agricultural District to R-2AC
302 One Family Residence District (Conditional), Parcel 748-772-3954, containing approximately 4.90 acres,
303 located on the northwest line of Opaca Lane approximately 700 feet northeast of Nuckols Road. The
304 applicant proposes no more than six (6) single-family residential lots. The R-2A District allows a minimum
305 lot size of 13,500 square feet. The Land Use Plan and the Nuckols Road/I-295 Small Area Land Use Study
306 recommend Rural Residential, not exceeding 1.0 unit net density per acre, and Environmental Protection
307 Area.
308

309 Mr. Vanarsdall - Is anyone in the audience in opposition to the deferment of this case, a
310 Three Chopt case, C-5C-04? Are you here in opposition to deferring the case? Do you have a spokesman
311 you want to come down to the mike. Come down and tell us why you are against the deferment.
312

313 Mr. Thomas Oliver - My name is Thomas L. Oliver and I live at 11110 Opaca Lane,
314 which is adjacent to the property which the zoning is requested for, and we have been through a couple of
315 deferrals already. We have met with the applicant and had discussions on this, and he has changed his
316 original request from R-5A to R-2A, and at this point we are in opposition to that, as Mr. Marshall well
317 knows having attended the meeting that we had with the applicant, and at this point I don't know why the

318 applicant wants to defer this. At this point we are in opposition to it, and is he giving some reason for
319 wanting to defer it yet again?

320
321 Mr. Marshall - Mr. Oliver, I am going to give you the reason. It is at my request, not the
322 applicant's request.

323
324 Mr. Oliver - OK.

325
326 Mr. Marshall - I don't know if you are aware, but you read the paper, there was a Board
327 paper that was passed on Tuesday. The Board of Supervisors in the County is looking at the transportation
328 needs and other needs in the County and there is an issue and there is a retreat that is coming up in June,
329 and the Board is hopefully going to make a decision one way or the other about whether they are going to
330 impose fees and so forth on future development in the County. They may. They may not. I made the
331 decision myself as a member of the Planning Commission that in order for everyone to be treated fairly that
332 I am going to defer all of my cases as far out as I can, and then request the developers to then defer the
333 cases until there is a decision made as to whether or not fees are going to be imposed on future
334 development, be it residential or commercial. I just think it is the fairest thing to do, not only for the
335 developers but for everybody and that is, until a decision is made about how the development is going to
336 proceed with fees or no fees, that it is my position that I don't need to be acting on zoning cases when that
337 issue is out there, and I don't know how it is going to come out. So this deferral is at my request and it is
338 going to be until June 10.

339
340 Mr. Oliver - Mr. Marshall, I had kind of heard something to that effect. I wasn't
341 exactly sure of what it was and what the reasons for it were, but based upon the information you have just
342 given me, I certainly have no objections to the deferral request.

343
344 Mr. Marshall - And I had requested all of the developers to do that. Some did and some
345 notified people that were interested in the case that that was going to be the case. As you saw, some of
346 the cases that were deferred tonight, so far there was nobody here. But the developer didn't want to defer
347 the case on his own, so I am going to do it for him.

348
349 Mr. Oliver - Thank you very much. I withdraw my objection to the deferral.

350
351 Mr. Vanarsdall - Thank you, Mr. Oliver. All right.

352
353 Mr. Marshall - Mr. Chairman, I move that Case C-5C-04 be deferred to the June 10, 2004
354 meeting at the request of the Commission.

355
356 Mr. Archer - Second.

357
358 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Archer. All in favor say
359 aye. All opposed say no. The motion passes.

360
361 The Planning Commission deferred Case C-5C-04, Robert M. Attack, to its meeting on June 10, 2004.

362
363 ***Deferred from the February 12, 2004 Meeting:***

364 **C-51C-03 Larry D. Willis:** Request to rezone from A-1 Agricultural District and M-1C Light Industrial
365 District (Conditional) to B-2C Business District (Conditional), Parcels 742-762-9861, 743-762-1862 and 743-
366 762-1538 and part of Parcel 742-762-9178, containing 4.083 acres, located at the northern terminus of
367 Brookriver Drive and at the I64E/I295 southeast cloverleaf. Restaurants and other retail uses are proposed.
368 The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
369 recommends Semi Public. The site is also in the West Broad Street Overlay District.

370

371 Mr. Marshall - I have one more case, I believe, that I am going to defer, and that is Case
372 C-51C-03, Larry D. Willis.

373
374 Mr. Emerson - Yes, sir. That is on page 6 of your agenda.
375

376 **Deferred from the February 12, 2004 Meeting:**

377 **C-51C-03 Larry D. Willis:** Request to rezone from A-1 Agricultural District and M-1C Light Industrial
378 District (Conditional) to B-2C Business District (Conditional), Parcels 742-762-9861, 743-762-1862 and 743-
379 762-1538 and part of Parcel 742-762-9178, containing 4.083 acres, located at the northern terminus of
380 Brookriver Drive and at the I64E/I295 southeast cloverleaf. Restaurants and other retail uses are proposed.
381 The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
382 recommends Semi Public. The site is also in the West Broad Street Overlay District.
383

384 Mr. Vanarsdall - Is anyone in the audience in opposition to this deferment, opposition to
385 deferring the case, Case C-51C-03 in the Three Chopt District. Come on down to the mike.
386

387 Mr. Mike Norm - Yes, sir, Mr. Marshall, I understand the predicament you are in and we
388 respect that. We are also in a little bit of a predicament ourselves. We have heard this several times while
389 we have been able to line up some financing. We have gotten everything in place and ready to go. We
390 have offered fees as part of our...
391

392 Mr. Vanarsdall - Can I interrupt you just a minute. Would you identify yourself.
393

394 Mr. Norm - Oh, I am sorry. I am Mike Norm with the Project Development Group and
395 I work for Larry Willis. We have lined up a lot of our financing and a lot of our financing is based upon
396 getting this rezoned at this point in time. We have a lot of the investors. It is going to take us a while to
397 get the plan of development together and to get some of the leases going, so I don't think we are going to
398 be that much of an effect. We are already surrounded by developments that are in there, and so I just
399 wanted to ask you to reconsider, but we respect whatever your opinion is and the outcome of your opinion
400 is.
401

402 Mr. Marshall - And I sympathize with you 100% and I understood when I made the
403 decision that it is not going to be easy for anybody. It is going to be a hardship on everybody, but to be
404 fair, everyone has to be treated the same. With that, Mr. Chairman, I move that Case C-51C-03 be
405 deferred to the June 10, 2004 meeting at the request of the Commission.
406

407 Mr. Jernigan - Second.
408

409 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All in favor
410 say aye. All opposed say no. The ayes have it. The motion passes.
411

412 The Planning Commission deferred Case C-51C-03, Larry D. Willis, to its meeting on June 10, 2004.
413

414 Mr. Marshall - Mr. Chairman, I misspoke. I do have one more and that is POD-21-04.
415

416 Mr. Silber - Yes, this is a plan of development, transitional buffer deviation and master
417 plan, POD-21-04, Bowl America.
418

419 **PLAN OF DEVELOPMENT, TRANSITIONAL BUFFER DEVIATION & MASTER PLAN**
420 **(Deferred from the February 25, 2004, Meeting)**
421

POD-21-04
Bowl America @ Downtown

**Jordan Consulting Engineers for Short Pump Mini
Storage Associates, LC and Bowl America, Inc.:** Request

Short Pump for approval of a plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 35,165 square foot, 40-lane bowling alley addition to the Downtown Short Pump shopping center. The 3.61-acre site is located on the southwest corner of Pouncey Tract Road and I-64 on parcel 739-763-7376. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Three Chopt)**

422
423 Mr. Vanarsdall - Anyone in the audience in opposition to POD-21-04, deferment to the 21st
424 of April, 2004? No opposition.

425
426 Mr. Marshall - Mr. Chairman, I moved that POD-21-04 be deferred to the March 24, 2004
427 POD meeting at the request of the Commission.

428
429 Mr. Jernigan - Motion by Mr. Marshall and seconded by Mr. Jernigan. All in favor say
430 aye. All opposed say no. The ayes have it. The motion is passed.

431
432 The Planning Commission deferred case Plan of Development, Transitional Buffer Deviation and Master
433 Plan, POD-21-04, Bowl America @ Downtown Short Pump, to its meeting on March 24, 2004.

434
435 Mr. Silber - Mr. Emerson, are there any expedited cases?

436
437 Mr. Emerson - Yes, there is, C-14-04.

438
439 **BROOKLAND:**
440 **C-14-04 Tracey L. Johnson for Hunton RTH Development Corp.:** Request to rezone from
441 RTHC Residential Townhouse District (Conditional) to C-1 Conservation District, part of Parcel 764-775-
442 1817, containing approximately 1.5 acres, located approximately 550 feet north of Hunton Park Boulevard
443 and approximately 350 feet east of Friars Walk Lane. A conservation district is proposed. The Land Use
444 Plan recommends Environmental Protection Area and Urban Residential.

445
446 Mr. Vanarsdall - Anyone in the audience in opposition to C-14-04, which is in the Brookland
447 District? No opposition. I move that we recommend to the Board of Supervisors for approval Case C-14-04
448 on the expedited agenda.

449
450 Mr. Marshall - Second.

451
452 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Marshall, All in favor say
453 aye. All opposed say no. The motion passes.

454
455 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Marshall, the Planning Commission voted
456 4-0 (one absent and one abstention) to recommend that the Board of Supervisors **grant** the request
457 because it conforms to the Environmental Protection Area recommendation of the Land Use Plan.

458
459 Mr. Emerson - Mr. Chairman, that leaves three cases on your agenda to be heard tonight.

460
461 Mr. Vanarsdall - Thank you, Mr. Emerson.

462
463 **PLAN OF DEVELOPMENT, MASTER PLAN, & TRANSITIONAL BUFFER DEVIATION**
464 **(Deferred from the February 25, 2004, Meeting)**

465
POD-20-04 **McKinney & Company for GMH Virginia LLC and**

Independence Park Medical
Offices/Gaskins Place

Riverstone Properties, LLC: Request for approval of a plan of development, master plan, and transitional buffer deviation, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code, to construct a two-story, 30,100 square foot medical office building, a master plan for three additional buildings totaling 75,250 square feet and for approval of a mass grading plan. The 25.11-acre site is located at the northeast intersection of Gaskins Road and Interstate 64 on parcels 751-756-9768 and 752-757-0556. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer.
(Three Chopt)

466

467 Mr. Vanarsdall – Anyone in the audience tonight in opposition to this case, POD-20-
468 04? All right. Mr. Marshall. Do you want to hear the presentation?

469

470 Mr. Marshall - No, I don't know, no opposition.

471

472 Mr. Silber - Mr. Wilhite, are there some things you want to inform the
473 Commission of on this. There have been some changes and we've made some last minute things
474 that the Commission may need to be aware of.

475

476 Mr. Wilhite - I will make my comments brief. There is a need for a transitional
477 buffer deviation with this proposal by virtue of the fact that the Interstate Highway is zoned A-1
478 and there is a Transitional Buffer 50 requirement because this property is zoned M-1C. The
479 applicant is requesting a deviation down to 20 feet, which has been consistent in our treatment of
480 buffers along the interstate highways. Within that 20 feet, additional landscaping is proposed and
481 staff is favorable to that buffer deviation request. One issue that has come up since the meeting
482 last month was the fact that there is a 50 foot buffer required by proffer adjacent to the neighbor
483 at the southeast portion of the property. Within that buffer, there is a requirement for a 7 ft. high
484 fence that the applicant had originally been willing to construct. We have been provided a letter
485 from the President of the Homeowners Association of Pemberton Creek and it apparently is the
486 consensus of that subdivision that they would prefer, instead of a fence, to see landscaping added
487 and in taking a look at the proffers, I believe that there is a way of having the fence removed by
488 virtue of the fact that a construction easement would have to be granted in order to construct the
489 fence. Staff is favorable to allowing landscaping in lieu of the fence and that can be approved with
490 the landscape plan in the future. Staff is in a position to recommend approval of the revised
491 master plan for Independence Park, which is in your packet, with the annotations on it. This would
492 allow for approval of the first building, which is 30,000 sq. ft. The three additional buildings would
493 be approved administratively in the future. Gaskins Place, which is also part of this application,
494 the POD for that would come back to the Planning Commission for approval. The only thing being
495 approved in Gaskins Place is the mass grading of the site and construction of the access road to
496 Independence Park on that piece of property. There is Independence Park Drive, a companion
497 case, which appears next on your agenda, to dedicate that access road as public right of way. Staff
498 does recommend approval of the 50-ft. transitional buffer deviation and the master plan. I'd be
499 happy to answer any questions you may have.

500

501 Mr. Vanarsdall - Any questions for Mr. Wilhite from the Commission members? I
502 have one. You say the proffer, that we are not in violation of the proffer?

503

504 Mr. Wilhite - The way the proffer was written allows for an out. I think the
505 proffer anticipated a 7 ft. high fence would be built, but it was contingent upon the applicant
506 getting a construction easement of 10 feet across the back of the lots. Since the position of the
507 Homeowners Association there is that they prefer to see the landscaping, staff is under the

508 impression that they would not be willing to grant the easement and, therefore, in lieu of that,
509 landscaping can be added with landscape plan approval.

510
511 Mr. Vanarsdall - Thank you. Any other questions by Commission members? Mr.
512 Marshall, do you want to hear from the applicant?

513
514 Mr. Marshall - No, sir.

515
516 Mr. Vanarsdall - We need two motions, you know, one for the buffer deviation and
517 one for the POD.

518
519 Mr. Marshall - I move that for POD-20-04 we accept the transitional buffer
520 deviation as noted in the staff report. Is that sufficient, Mr. Silber?

521
522 Mr. Silber - Are you making a motion that handles both in one motion?

523
524 Mr. Marshall - No. I thought we were going to do two.

525
526 Mr. Silber - OK, so was your motion for the transitional buffer deviation?

527
528 Mr. Marshall - Yes.

529
530 Mr. Jernigan - Second.

531
532 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All
533 in favor say aye. All opposed say no. The ayes have it. The motion passes.

534
535 The Planning Commission approved Transitional Buffer Deviation for POD-20-04, Independence Park
536 Medical Offices/Gaskins Place.

537
538 Mr. Marshall - Mr. Chairman, I move approval of POD-20-04 with standard
539 conditions for developments of that type, the annotations on the plan, and conditions Nos. 9
540 Amended, No. 11 Amended, and Nos. 23 through 32.

541
542 Mr. Jernigan - Second.

543
544 Mr. Vanarsdall - Motion made by Mr. Marshall, seconded by Mr. Jernigan. All in
545 favor say aye. All opposed say no. The motion passes.

546
547 The Planning Commission approved POD-20-04, Independence Park Medical Offices/Gaskins Place,
548 subject to the annotations on the plans, the standard conditions for developments of this type and
549 the following additional conditions:

550
551 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
552 review and Planning Commission approval prior to the issuance of any occupancy permits.

553 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
554 depictions of light spread and intensity diagrams, and fixture and specifications and
555 mounting height details shall be submitted for Planning Office review and Planning
556 Commission approval.

557 23. The developer shall provide fire hydrants as required by the Department of Public Utilities
558 and Division of Fire.

559 24. Outside storage shall not be permitted.

- 560 25. The proffers approved as a part of zoning cases C-7C-81 and C-8C-84 shall be incorporated
561 in this approval.
562 26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
563 form acceptable to the County Attorney prior to final approval of the construction plans.
564 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
565 approved by the County Engineer prior to final approval of the construction plans by the
566 Department of Public Works.
567 28. Insurance Services Office (ISO) calculations must be included with the plans and contracts
568 and must be approved by the Department of Public Utilities prior to the issuance of a
569 building permit.
570 29. Approval of the construction plans by the Department of Public Works does not establish
571 the curb and gutter elevations along the Henrico County maintained right-of-way. The
572 elevations will be set by Henrico County.
573 30. Approval of the construction plans by the Department of Public Works does not establish
574 the curb and gutter elevations along the Virginia Department of Transportation maintained
575 right-of-way. The elevations will be set by the contractor and approved by the Virginia
576 Department of Transportation.
577 31. The conceptual master plan for Independence Park Medical Offices, as submitted with this
578 application, is for planning and information purposes only. All subsequent detailed plans of
579 development and construction plans needed to implement this conceptual plan may be
580 administratively reviewed and approved and shall be subject to all regulations in effect at
581 the time such subsequent plans are submitted for review/approval.
582 32. The conceptual master plan for Gaskins Place, as submitted with this application, is for
583 planning and information purposes only.
584

585 Mr. Silber - The companion case to that last POD is the subdivision that Mr.
586 Wilhite referred to. It was deferred from the February 25, 2004 meeting, Independence Park Drive.
587

588 **SUBDIVISION (Deferred from the February 25, 2004 Meeting)**
589

Independence Park Drive (February 2004 Plan)	McKinney & Company for Riverstone Properties LLC and GMH VA LLC: The 0.942-acre site proposed for a dedication of public right-of-way is located on the west line of Mayland Court, approximately 700 feet south of Mayland Drive on part of parcels 752-757-0556 and 751-756-9768. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. (Three Chopt) 0 Lot
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590
591 Mr. Vanarsdall – Is there anyone in the audience in opposition to Independence
592 Park Drive? Anyone here? Mr. Wilhite.
593

594 Mr. Wilhite - The configuration of the roadway has changed slightly from the
595 original submittal. The length of the road is shortened slightly and the size of the cul-de-sac has
596 been increased. We have gotten revised metes and bounds that reflect this change. Staff is in a
597 position to recommend approval.
598

599 Mr. Vanarsdall - Any questions by Commissioners of Mr. Wilhite? Mr. Marshall.
600

601 Mr. Marshall - Mr. Chairman, I move approval of Subdivision Independence Park
602 Drive (February 2004 Plan).
603

604 Mr. Archer - Second.
605

606 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Archer. All in
607 favor say aye. All opposed say no. The motion passes.

608

609 The Planning Commission approved Subdivision Independence Park Drive (February 2004 Plan)
610 subject to the standard conditions for subdivisions served by public utilities.

611

612 **Deferred from the February 12, 2004 Meeting:**

613 **C-41C-03 Don Smith:** Request to conditionally rezone from B-2C Business District (Conditional) to
614 M-1C Light Industrial District (Conditional) and B-2C Business District (Conditional), Parcel 808-729-7538,
615 containing 8.585 acres (M-1C – 6.496 ac.; B-2C – 2.089 ac.), located at the southeast intersection of Dabbs
616 House and Creighton Roads. A mini-storage warehouse/self-storage facility and retail are proposed. The
617 use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
618 recommends Commercial Concentration. The site is in the Airport Safety Overlay District.

619

620 Mr. Vanarsdall - Is there anyone in the audience in opposition to C-41C-03 in the Varina
621 District? No opposition. Just a minute and let her present the case, and then we will be right with you.
622 Thank you. Good evening, Ms. Moore.

623

624 Ms. Moore - Good evening, Commissioners.

625

626 The subject property was rezoned from A-1 to B-2C under rezoning case C-2C-88 to allow a
627 shopping center. This request would rezone approximately 6.5 acres to M-1C to allow the
628 construction of a self-storage facility. The remaining 2 acres fronting Laburnum Avenue would
629 maintain its B-2C zoning classification and would be subject to further use restrictions than what
630 was proffered with rezoning case C-2C-88.

631

632 The B-2C portion would essentially be limited to retail and service uses, banks, offices, and
633 nurseries. Prohibited uses would include bars, funeral homes, billiard parlors, hotels, and cash
634 checking businesses. The applicant is also proffering quality materials and architecture that would
635 be compatible in design to the recently approved commercial development across Laburnum
636 Avenue. Other proffers for the B-2C district would include:

637

- 638 • 20' landscape buffer along Laburnum Avenue, which is a 5' increase from the current 15' buffer
- 639 and
- 640 • Adhering to the sign standards for B-1 Districts

641

642 The applicant is requesting M-1C to allow a mini-storage facility, which would be designed in a
643 compound arrangement for security purposes.

644

645 The applicant has submitted revised proffers this evening, copies of which you have just received.
646 Therefore, the time limits would have to be waived in order to take any action on this project
647 tonight.

648

649 The proffered conceptual plan shows a 500' long wall constructed of split-face block and faux one-
650 story residential facades along Dabbs House Road. The intent of the false home fronts is to
651 improve the visual impact on the single-family dwellings directly to the west, across Dabbs House
652 Road. Other proffers include:

653

- 654 • Proffered elevations;
- 655 • Restricting the use of the land for a self-storage facility only;
- 656 • Installing a minimum 50' landscaped buffer along Dabbs House Road;
- 657 • Materials for the false home fronts would consist of brick and vinyl siding and each home front
658 would be approximately 60' long and 10 – 12' high; and

659 • Monolithic signs would not exceed 10' in height.

660

661 As shown on the conceptual plan, access to the site would be provided from Laburnum Avenue
662 only.

663

664 The Land Use Plan recommends Commercial Concentration for the site. The request for M-1C is
665 not consistent with this designation and staff has concerns that rezoning the property to light
666 industrial M-1C could set another precedence for more intensive uses in the area. If the self-
667 storage facility is considered an appropriate use for this site, staff recommends the applicant
668 address the following issues:

669

670 • Dabbs House Road will be widened to a four undivided lane in the future. Therefore, the
671 applicant should consider dedication of land to permit such widening.

672

673 • Proffer 14 of the proffers you just received does not quantify the proposed language for the 50
674 ft. buffer. In addition, Proffer 11 states the house fronts would be a minimum of 70 ft. from
675 the edge of the pavement on Dabbs House Road. Staff recommends the applicant quantify
676 that planting equivalent to a transitional 50' be installed along Dabbs House Road unless
677 otherwise approved by the Director of Planning. In addition, all references to setbacks should
678 be from the ultimate right of way.

679

680 • To enhance this intersection, which serves as the gateway to the Creighton Road Corridor, staff
681 recommends a maximum of two ground-mounted signs, each not to exceed 5' above natural
682 grade or 4' in width.

683

684 In addition, we'd like to state for the minutes that the utilization of high quality materials is
685 essential to lessen the false appearance of the proposed homes fronting Dabbs House Road and a
686 high grade of vinyl material should be used. In addition, landscaping should be strategically placed
687 to soften the wall segments and to visually screen the areas where the wall and house fronts will
688 intersect.

689

690 If the applicant could address these issues, staff could be more supportive of this request.

691

692 This concludes my presentation. I would be happy to try to answer any questions you may have.

693

694 Mr. Vanarsdall - Any questions of Commission members from Ms. Moore.

695

696 Mr. Jernigan - Ms. Moore, Mr. Theobald has proffered that where the wall
697 intersects to the fake house, that they will do extensive landscaping there to hide where it goes in.
698 Now, he has told me this evening that, and I want to make sure this is all right with you, and we
699 passed it by Randy, that he is willing to proffer that anything that the Commission wants, as far as
700 the landscaping package, that they will go along with, and he has promised Mrs. Crockett that they
701 will have berms on there, and he felt there was a conflict of having the berms along with the 50 ft.
702 buffer package that may not work. So, he has, and I am going to get him up here for the record,
703 but he is willing to let us decide what landscaping needs to be in there.

704

705 Ms. Moore - OK. Thank you.

706

707 Mr. Jernigan - And on the BMP, are we straight on that?

708

709 Ms. Moore - Yes. That is not reflected in your black lines, although it is a
710 change. They did add Proffer 8, which says "Any retention pond or BMP facility on the property

711 shall be maintained in accordance with all applicable laws, rules and regulations.” So, that does
712 satisfy staff.

713
714 Mr. Vanarsdall - Any other questions for Ms. Moore from Commission members?

715
716 Mr. Silber - I have a question. Ms. Moore, you indicated that there is
717 landscape buffer increase from 15' to 20' on the Laburnum side?

718
719 Ms. Moore - Yes, sir.

720
721 Mr. Silber - Do we know what the buffer is that was recently approved across
722 the street on the retail portion?

723
724 Ms. Moore - On the Laburnum side, I do not have that. I believe it was 30 to
725 35'.

726
727 Mr. Silber - And they are proffering 20'?

728
729 Ms. Moore - Yes.

730
731 Mr. Vanarsdall - Any other questions for Ms. Moore? Thank you, Ms. Moore.

732
733 Ms. Moore - Thank you.

734
735 Mr. Vanarsdall - You don't need to hear from the applicant, do you?

736
737 Mr. Jernigan - Yes, sir.

738
739 Mr. Vanarsdall - Mr. Theobald, you need to come down to the mike and take your
740 position.

741
742 Mr. Theobald - Mr. Chairman, gentlemen, my name is Jim Theobald, and I here
743 this evening on behalf of the Michael Sifen Company with Don Smith, Principal, with Michael Sifen.
744 This is an eight and a half acre request to amend the zoning from B-2C to B-2C plus M-1C. I might
745 say this case has come a long, long way after a long, long time. It has been significantly improved.
746 It started off with just the M-1 portion of the property for the self service storage facility and later
747 on we added in the existing B-2 zoned retail portion remaining in order to enhance the proffered
748 conditions consistent with what had been approved across the street for Mr. Gelletly's case. The
749 existing B-2 proffers are relatively thin based on zoning practices today. There is but a 30 ft. buffer
750 along Dabbs House Road. This could be developed for shopping center use and with loading areas
751 facing Dabbs House Road and those residents over there, there is no proffer regarding the
752 materials to be used on the rear, so we pretty much started over. It was important to develop this
753 in a compound like fashion so that the residents would not see any of the storage units, and we
754 had two meetings with the neighbors and the neighbors were very concerned about the views from
755 Dabbs House Road and their homes, and I must credit Mr. Smith and Mrs. Crockett and her
756 neighbors who frankly have worked over many, many months, Mr. Smith toward his creativity and
757 Mrs. Crockett for her open mindedness and considering three or four different alternatives, and
758 what you see before you may be a first in Henrico County, that being faux house fronts built into
759 the long wall of the storage facility. I should point out that this has been done, a lot of it at Mrs.
760 Crockett's request along with her neighbors, and that is, between the homes there will be a berm
761 section with plantings on top of the berm to screen the wall, but the faux house fronts, while there
762 will be landscaping in front of those. There will not be a berm there in order that they continue to
763 look like single-family residences consistent with those across the way. High quality materials will

764 be utilized. Mr. Smith has assured Mrs. Crockett of that, and at least two of those homes will be
765 brick, and those homes actually wraparound the far corners of the wall. They don't just stop, but
766 they do wraparound those corners. The case has been highly proffered, consistent with other self-
767 storage cases in the County, restricting lighting, trash receptacles, out door speakers. We have
768 limited the hours of trash pick up. I should clarify that on the BMP proffer, the significance of that
769 proffer was again requested by the neighbors, such that we would maintain the BMPs. There is
770 still, we will need to seek a deviation of a transitional buffer from the Director of Planning as part of
771 our POD in that that side of the property does face agriculturally-zoned property in the Land Use
772 Plan for office property, so we are seeking a deviation to retain that BMP in that area, but that will
773 be a matter to be considered at the time of plan of development. We have proffered no direct
774 access to Dabbs House and Creighton Road. As you know, these facilities generate virtually no
775 traffic. It is the least traffic generator of any use other than a cemetery and significantly less than
776 what would be approved today, allowed today, on the property. They utilize no County services.
777 They have no negative impact on County infrastructure. All they do is sit there silently and generate
778 tax revenue for the County. We have proffered the elevations and the site plan that you have been
779 shown, as well as a host of other things. The retail has been significantly amplified consistent with
780 that across the street that you approved for Mr. Gelletly's case in terms of architectural materials,
781 building heights, restricting the size of the residential uses and signage. We have also proffered
782 the buffer and the use of drive-through windows. Ms. Coats informs me Mr. Jernigan that the
783 buffer across the street is consistent with that proffered by our case and that is 20 ft. along
784 Laburnum. We have a copy of that here with us this evening if you'd like to see it.

785
786 The Land Use Plan does show this area of commercial concentration. Again, it is a very low traffic
787 generator, quiet in use. This plan will protect that neighborhood from what might have been
788 developed and most assuredly would have been developed on this parcel, that being barely
789 restricted B-2 business uses with loading docks in the past. And with that, I would be happy to
790 answer any questions that you might have.

791 Mr. Vanarsdall - Any questions by Commission members for Mr. Theobald?

792 Mr. Archer - Mr. Theobald, what are the allowed hours of operation in B-2?

793
794 Mr. Theobald - B-2 is 6:00 a.m. to midnight.

795
796 Mr. Archer - The portion along Laburnum Avenue, what is the plan of
797 architectural treatment for that and landscaping and so forth?

798 Mr. Theobald - Mr. Archer, you, I believe, spent a lot of time with Mr. Gelletly, did
799 you not on those elevations and proffers across the street? We were asked to basically mirror the
800 architectural styles and, as you might remember, this drawing here, which I am happy to put up, as
801 being Mr. Gelletly's drawings, and we have said that we will be consistent with that architecture, so
802 the good work that you did across the street will be replicated on the other side.
803 What do you mean we are giving nothing up there?

804
805 Mr. Vanarsdall - Mr. Theobald, do you ever remember anywhere in your travels
806 this concept?

807
808 Mr. Theobald - No, I honestly have not. I don't know, Mr. Smith, have you done
809 this particular design anywhere? No, sir. This is a first.

810
811 Mr. Jernigan - This may not only be the first for Henrico County. This may be
812 the first for the country.

813
814
815
816

817 Mr. Vanarsdall - This might really be something. It is something.
818
819 Mr. Theobald - These homes, interestingly, are only six inches deep, while they
820 will extend from the walls 10 feet, so that they have depth. The storage units behind will actually
821 come to within six feet of the front door. So, it is a pretty neat design. These homes, by the way,
822 have been scaled to be the same scale as the homes across the street in terms of length and
823 height.
824
825 Mr. Vanarsdall - I think it is great. Any more questions for Mr. Theobald?
826
827 Mr. Jernigan - Yes, wait a second. Jim, one question that I wanted to ask you
828 now. We are talking the minimum eave height of the house would be 10 feet. The average house
829 is 8 foot, but I am looking at the picture that is up there now, the gable end. Will that be
830 consistent with what is across the street, that which would probably be about 15 feet off of the
831 ground.
832
833 Mr. Don Smith - Hi. I am Don Smith. I am the applicant. The minimum 10 ft.
834 eave height was determined by measuring from Mrs. Crockett's driveway up to where the soffit
835 starts, which is the line that you see on the front of the house. The top of the gable could be
836 anywhere from 12, 15, 18 feet. To give you an example, that wall that you see intersecting the
837 house is approximately 12 feet, so I am guessing that we will probably end up somewhere in the
838 15-16 ft. range. The depth of the house, in order to determine that gable is about 20 feet, because
839 the house projects out off of the wall 10 feet. So, it is difficult to say at this point, but in order to
840 do a proffer, I wanted to set a minimum as opposed to a maximum so that we could produce good
841 architectural elevations.
842
843 Mr. Jernigan - So the wall itself is 12 ft?
844
845 Mr. Smith - The wall is 12 feet.
846
847 Mr. Archer - What would the view be like looking from Laburnum into the back
848 of these houses? What will you see?
849
850 Mr. Theobald - Can we put the first one back up there? Can we go back to the
851 site plan? This is the retail site Mr. Archer. This is the Jiffy Lube and the convenience store. This
852 is the manager's office and this will be split-faced block. The manager's office is a two-story
853 structure with roof and what not. It is all finished materials, and with the two-acre retail site being
854 here. Can we go back to the light table, please?
855
856 Mr. Archer - Mr. Theobald, what I am trying to get at is would you be able to
857 see the rear of the faux...
858
859 Mr. Theobald - No, no.
860
861 Mr. Jernigan - Mr. Archer, that is all storage facility inside, regular storage
862 facility, just a façade on the outside wall will be visible from Dabbs House.
863
864 Mr. Theobald - You are looking at the office manager's...
865
866 Mr. Archer - That will be the manager's office?
867

868 Mr. Theobald - Correct, on the front. And it will look like that on Laburnum as
869 well. What you are seeing next to that on the left will be the end station, the agricultural rezoned
870 property currently, but there will be a fence and a BMP outside of that.
871
872 Mr. Silber - Mr. Theobald, where would any signage be for the mini-storage?
873
874 Mr. Theobald - Good question. Maybe out on Laburnum.
875
876 Mr. Silber - It would be out on Laburnum. Is it necessary to have a 10' high
877 sign on Laburnum?
878
879 Mr. Theobald - It is a monument style sign already.
880
881 Mr. Silber - Mini storage is not usually an impulse type of stop. You have a
882 high-catching sign there. It seems like something lower in scale just to identify the project to the
883 rear would be adequate. That is a concern that staff has, a 10' sign out on Laburnum that may
884 require more discussion. Also, I had a question about the dedication along Dabbs House. Is there
885 any reason why that is not being offered?
886
887 Mr. Theobald - As soon as we know what the County needs at POD, we know we
888 have to dedicate it for the POD, but we rarely have to proffer road widening in zoning. That is a
889 new requirement.
890
891 Mr. Silber - But this would be buffers being measured from the edge...
892
893 Mr. Theobald - The buffer is being measured from the ultimate right of way but
894 the setback is measured from the existing edge of pavement, because that is what they went out
895 to measure. The buffer is going to be ... from the ultimate right of way.
896
897 Mr. Silber - And the setback from the edge of the pavement is what, what is
898 that distance?
899
900 Mr. Theobald - The setback is a minimum of 70 feet. We allowed for the
901 roadway.
902
903 Mr. Silber - It seems like we can get some indication from Public Works what
904 that might be, so we would have a better appreciation for where that setback really ultimately will
905 be.
906
907 Mr. Theobald - We can certainly do that.
908
909 Mr. Silber - One of the concerns that I might have is, you know, I think the
910 appearance of this is interesting. These will look like homes sitting there. They will not be
911 occupied with people coming and going like a normal home, so I guess one of my concerns is the
912 integrity of these being maintained and when people live in their home they will make sure the
913 front of it looks nice and stays nice. This one, the back of your project, if it becomes subject to
914 graffiti or to some maintenance issues, is there some assurance here that this will be maintained.
915
916 Mr. Theobald - We have a full time manager that lives on site, so the landscaping
917 has to be maintained under your ordinance. There may be some grass that needs to be mowed,
918 and so the manager will be actively on that side of the property probably every week, plus we have
919 Mrs. Crockett and her neighbors who will be watching, and if there is anything amiss, she knows

920 that it has been proffered that we would agree to maintain it. I don't know what else we could do,
921 frankly.

922
923 Mr. Jernigan - Maintain it just like you would if it were a flat wall as far as cutting
924 grass and taking care of graffiti, I would hope. One question I asked you, and you didn't call me
925 back on it yet, the windows. Are they going to be real glass, plexi glass, bullet-proof, what?

926
927 Mr. Theobald - They are going to be real glass, so that they really do look like
928 windows, but I think that the two concerns, as I understand it, one was if they break, then we are
929 going to have to replace them like any other business, but also from a security standpoint I think it
930 was an issue, and again there is only six inches between the front façade and a solid masonry wall
931 back there, so no one would be able to get in behind the façade.

932
933 Mr. Vanarsdall - Any more questions for Mr. Theobald?

934
935 Mr. Jernigan - I guess the last thing we had was on the quality of the vinyl.

936
937 Mr. Theobald - Yes, it is going to be a high-quality vinyl. The gauge of vinyl, I
938 could quote you some gauges of vinyl. It will mean nothing to me. I am not sure if they would do
939 you all or not.

940
941 Mr. Jernigan - Can you just say that it will agree with whatever the Planning
942 Commission requires?

943
944 Mr. Theobald - Well, it is going to be, my architect tells me that the gauge is
945 between .044 and .048 and that means absolutely nothing to me, but that apparently is an
946 upgraded type of vinyl. We did ask the question. We just didn't understand the answer. I am sure
947 Randy does.

948
949 Mr. Jernigan - All right. That's all the questions I have, Mr. Chairman.

950
951 Mr. Theobald - Thank you. I appreciate all of your efforts, Mr. Jernigan, and we
952 have also met with Mr. Donati on this as well.

953
954 Mr. Jernigan - Mrs. Crockett, did you want to say something? And then we will
955 get this gentleman back in the back.

956
957 Mrs. Crockett - Good evening. I would just like to say that I think Mr. Smith and I
958 ought to get a little bonus out of this thing for coming up with something you all have not had in
959 Henrico County yet, but I just want, I had a question but I think you answered it a few minutes ago
960 about the road being widened to four lanes. Will the lane be taken on the side that the storage is
961 supposed to be, or will any of the land be taken on our side of the road, existing?

962
963 Mr. Silber - Mrs. Crockett, I think at this point we don't know the answer to
964 that question. Obviously, when the road is widened there will be additional right of way that is
965 going to be necessary and the road will become a wider road. I would think that it would probably
966 come off of both sides, but at this point we don't know. I think some of that needs to be
967 determined the best we can at this time, so we know what that setback is and how much buffer
968 will exist, but my guess would be there would be some widening on both side of the road.

969
970 Mrs. Crockett - OK. Well, Mr. Smith has assured us that everything we had asked
971 for basically has been agreed upon except that I would like it on record that we are asking for four
972 brick homes rather than two brick and two vinyl. We have got all brick on the other side of the

973 street and in the very beginning we were, the proposal was to put a complete brick wall down the
974 street, and if we were going to put a complete brick wall down there in the beginning, it shouldn't
975 take any more brick to put four brick facades than it would to put in a brick wall. There are no
976 vinyl homes in that area right now. They are all brick.
977
978 Mr. Jernigan - Mr. Theobald. It kind of circles around.
979
980 Mr. Theobald - We will do that.
981
982 Mrs. Crockett - That is all. Thank you.
983
984 Mr. Vanarsdall - Do you need a proffer on that, Mr. Jernigan?
985
986 Mr. Jernigan - Yes, we will have to make a proffer change on that. We will just
987 wait until it comes to the Board.
988
989 Ms. Myers - Good evening. My name is Karen Myers. I have one question.
990 We all have wells and septic tanks. Will this development in any way affect our wells and septic
991 tanks?
992
993 Mr. Jernigan - It shouldn't, ma'am, not to my knowledge.
994
995 Mr. Silber - That is a good question. I think it is very difficult for anybody to
996 answer that question until they get in and begin to construct on site we really don't know. It
997 shouldn't have any impact on your wells, but there is no guarantee of that.
998
999 Ms. Myers - OK, thank you.
1000
1001 Mr. Archer - Mr. Silber, that will require also a well and septic tank for the
1002 manager's office then, I would suppose. Or is there water on there?
1003
1004 Mr. Silber - I would think they would be connected to public water and sewer.
1005
1006 Mr. Humphrey Johnson - Good evening, Mr. Chairman, officers, staff and guests. My name
1007 is Humphrey Johnson and I am the President of the Mitcheltree Association, and I just have a
1008 couple of questions. My first question is I was reading under the applicant's, that was sent to me in
1009 the mail, the parking of trucks. Now, if Mr. Smith or his representatives could let me know what
1010 type of trucks they are planning on having parked in there ... at the present time?
1011
1012 Mr. Vanarsdall - Mr. Smith or Mr. Theobald, can you shed some light on that for
1013 us?
1014
1015 Mr. Smith - We did provide two free 16 ft. box trucks. They are parked inside
1016 the facility, not visible by the road at night, and I think it is proffered to say that we are not allowed
1017 to have them visible by the road.
1018
1019 Mr. Johnson - Because this is a residential area and I just didn't want to see a
1020 whole lot of dump trucks and other oversized vehicles. I don't live on that road, but I live not that
1021 far from it, because we do have quite a number of trucks and we are kind of trying to keep that
1022 limited in the area. My other question that was asked me to ask is did you, I want to get a good
1023 understanding, so when members ask me, now the house-looking type storages, is that going to be
1024 on Dabbs House or on Laburnum? If not, I heard Mr. Archer, if I am not mistaken now, ask that
1025 question, and I wasn't really clear on what was the answer given. What is it going to look like

1026 when I come from my home up in Mitcheltree and make a right or left, make that left turn going
1027 down on that side of Laburnum, and I live over to my right, and right next to the Jiffy Lube and
1028 that service station, and what is it going to look like?
1029

1030 Mr. Jernigan - Mr. Johnson, this façade will just be on the wall that faces Dabbs
1031 House Road. You won't be able to see this from Laburnum. You will be looking at the front wall,
1032 which is split-faced block, which will be on the Laburnum side, and remember, these fake houses
1033 will just face Dabbs House Road and it will be on that wall that runs along there. If you come
1034 down Creighton Road where you intersect Dabbs House, then you will be able to see them
1035 peripherally down the side, but you won't be able to see them from Laburnum Avenue.
1036

1037 Mr. Johnson - So basically, coming down Laburnum we won't see anything other
1038 than what is there now, trees, bushes?
1039

1040 Mr. Jernigan - You will see the front wall, the front portion of it, which is split-
1041 faced block.
1042

1043 Mr. Johnson- OK.
1044

1045 Mr. Jernigan - And remember, there is a retail area that is also in front of that,
1046 which hasn't been developed yet.
1047

1048 Mr. Johnson- OK, well I was just – it appears like what is going up here is the
1049 mini-storage first and I was just trying to get a better understanding on just how that is going to
1050 look and we will look at the retail when that comes.
1051

1052 Mr. Jernigan - The mini-storage will be there first and then that front portion will
1053 be, when other buildings go in on the retail, then you won't see that much of that wall.
1054

1055 Mr. Johnson - OK.
1056

1057 Mr. Donati - It will probably look better than the Jiffy Lube and the service
1058 station that is in there.
1059

1060 Mr. Johnson - Well, I hope so. Thank you.
1061

1062 Mr. Vanarsdall - Would anyone else like to speak? All right.
1063

1064 Mr. Jernigan - Mr. Chairman, I will start off by saying one reason we went ahead
1065 and processed this case tonight was because the first time we deferred it was in August, but we
1066 have been working on this case since probably March or April of last year, and I felt the time that
1067 we spent, especially now that the neighbors are content, with what is going on here, I felt it was
1068 time to move this case on. I think everybody, Don Smith has bent over backwards to do something
1069 here that I will have to say I have never seen anywhere. It does not exist in Henrico, but
1070 anywhere in the country, and it could be the start of something new. And I thank you Mrs.
1071 Crockett, you and your neighbors, for putting the effort in it that you did, and to come up with this
1072 project. And I think it is really unique. When Mr. Theobald first showed it to me, I will have to say
1073 I was in a little bit of awe, because I didn't know what to say. But as I think about it, you know, if
1074 this is what you want for your neighborhood, which I think looks good, and Mr. Smith is willing to
1075 do it, then I am a positive type of guy. I am going to go for it. So, first of all, we are going to
1076 waive...
1077

1078 I want to make a comment about that. He tried to explain it to me on the telephone, and finally he
1079 said, there is no way in the world I can explain it. You will have to see it.
1080
1081 So, the first thing we are going to have to do tonight is waive the time limits. So, I will make a
1082 motion to waive the time limits on Case C-41C-03.
1083
1084 Mr. Marshall - Second.
1085
1086 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Marshall. All
1087 in favor say aye. All opposed say no. The motion passes.
1088
1089 Mr. Jernigan - And Mr. Theobald, I don't know if we did this, I want for the
1090 record that you did proffer that the landscaping plan would be subject to whatever landscaping we
1091 wanted subject to Planning Commission approval.
1092
1093 Mr. Theobald - Yes, sir, Mr. Jernigan, and in revise proffer Condition 14. given to
1094 Ms. Moore this evening, it says, "There shall be berming and landscaping within the 50-foot buffer
1095 on Dabbs House Road as measured from the ultimate right of way, such that the streetscape shall
1096 consist of landscaping in front of house fronts and berms with plantings in front of wall sections.
1097 The aforementioned landscaping, berming and planting shall be as required by the Planning
1098 Commission at the time of landscape plan review. The developer or owner shall continuously
1099 maintain the lawn and landscaping within such buffer."
1100
1101 Mr. Jernigan - OK.
1102
1103 Mr. Vanarsdall - You don't have one like for the other two houses...
1104
1105 Mr. Theobald - We are going to amend that proffer between now and the Board.
1106
1107 Mr. Jernigan - And with that, Mr. Chairman, I would like to move for approval of
1108 Case C-41C-03, Don Smith.
1109
1110 Mr. Marshall - Second.
1111
1112 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Marshall. All
1113 in favor say aye. All opposed say no. The motion passes.
1114
1115 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Marshall, the Planning
1116 Commission voted 4-0 (one absent and one abstention) to recommend that the Board of
1117 Supervisors **grant** the request because the proffered conditions should minimize the potential
1118 impacts on surrounding land uses.
1119
1120 Mr. Silber - I believe that takes care of the agenda. We do have approval of
1121 the minutes, the Planning Commission's February 12, 2004 minutes.
1122
1123 Mr. Vanarsdall - Did anybody read the minutes?
1124
1125 Mr. Archer - I had one change, page 7, line 249. The last word in line 249
1126 should be preferred instead of deferred.
1127
1128 Mr. Vanarsdall - Any other changes?
1129

1130 Mr. Jernigan - Yes, I have a correction on page 24, line 846. When I said "You
1131 didn't get beat up by – it is not EDA, it is ADA." If Laraine is going to beat somebody up, it is ADA.
1132 That is all I have, Mr. Chairman.
1133
1134 Mr. Vanarsdall - No more changes? I need a motion to approve.
1135
1136 Mr. Jernigan - I make a motion to approve.
1137
1138 Mr. Archer - Second.
1139
1140 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in
1141 favor say aye. All opposed say no. The motion passes.
1142
1143 Mr. Silber - The only comment that I have at this point is just a reminder, I
1144 think you may have received some information at your seat this evening, but the RRPDC Planning
1145 Commissioner's Forum is Friday, the 19th, from 11:30 to 4:15 p.m. and I believe we signed up three
1146 of you that had expressed an interest, Mr. Marshall, Mr. Archer and was it Lisa Ware or...
1147
1148 Mr. Vanarsdall - It was Lisa.
1149
1150 Mr. Silber- Mr. Archer, did you get a copy at your chair.
1151
1152 Mr. Archer - I didn't get a copy, but I did have it in my Palm Pilot. I sort of felt
1153 coerced and I felt like I had to go.
1154
1155 Mr. Silber - Well, I guess I did a good job.
1156
1157 Mr. Archer - That is at 11:30 a.m. Is that correct?
1158
1159 Mr. Silber - That is at 11:30 a.m. on the 19th.
1160
1161 Mr. Archer - And that is the Holiday Inn out on Midlothian, isn't it?
1162
1163 Mr. Silber - The Kroger Center.
1164
1165 Mr. Vanarsdall - Anything else, Mr. Secretary?
1166
1167 Mr. Silber - No, sir.
1168
1169 Mr. Vanarsdall - With that, the meeting is now adjourned at 8:12 p.m.
1170
1171
1172
1173
1174
1175

Ernest B. Vanarsdall, C.P.C., Vice-Chairman

Randall R. Silber, Secretary