Minutes of the regular monthly meeting of the Planning Commission of Henrico County, held in the County Administration Building in the Government Center at Parham and Hungary Spring Roads beginning at 9:00 a.m. Wednesday, May 26, 2010.

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

Others Present:  
Mr. David D. O'Kelly, Assistant Director of Planning  
Ms. Leslie A. News, CLA, Principal Planner  
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner  
Mr. Michael F. Kennedy, County Planner  
Ms. Christina L. Goggin, AICP, County Planner  
Mr. Tony Greulich, C.P.C., County Planner  
Mr. Matt Ward, County Planner  
Mr. Gregory Garrison, County Planner  
Mr. Lee Pambid, C.P.C., County Planner  
Ms. Aimee Berndt, County Planner  
Mr. Tommy Catlett, Assistant Traffic Engineer  
Mr. Jonathan W. Steele, G.I.S. Manager  
Ms. Kim Vann, Henrico Police  
Ms. Holly Zinn, Recording Secretary  

Mr. David A. Kaechele, the Board of Supervisors' representative, abstains from voting on all cases unless otherwise noted.

Mr. Vanarsdall - Good morning, everybody. Welcome to the Henrico County Planning Commission for Subdivisions and Plans of Development. Glad to have you. Good morning, fellow Commissioners, staff members over there, and a special good morning to Mr. Kaechele on the end there, who represents the Board of Supervisors.

Mr. Kaechele - Good morning.

Mr. Vanarsdall - With that, I would like to ask everyone to stand and Pledge Allegiance to the Flag.

Mr. Vanarsdall - Thank you. Is anyone from the news media here? There usually isn't, but I have to ask anyway. Good morning, Mr. Emerson.

Mr. Emerson - Good morning, Mr. Chairman.
Mr. Vanarsdall - Mr. Emerson is our Director of Planning and secretary, so we'll turn the meeting over to him.

Mr. Emerson - Thank you, Mr. Chairman. The first item on your agenda this morning is the requests for deferrals and withdrawals. Those will be presented by Ms. Leslie News.

Mr. Vanarsdall - Good morning, Ms. News.

Ms. News - Good morning, Mr. Chairman, members of the Commission. Staff has not received any requests for deferrals or withdrawals for this meeting.

Mr. Emerson - Mr. Chairman, if the Commission does not have any deferrals to add to that list, we'll move on to the next item, which is the expedited agenda, which also will be presented by Ms. Leslie News.

Ms. News - There are 10 items on our expedited agenda this morning. The first item is found on page 4 of your agenda and is located in the Three Chopt District. This is a transfer of approval for POD-78-99, Pier 1 Imports at Brookhollow Center. Staff recommends approval.

TRANSFER OF APPROVAL

POD-78-99
POD2010-00088
Pier 1 Imports at Brookhollow Center – 11114 W. Broad Street (U.S. Route 250)

Peter Apostal for Apostal Partners Virginia, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from S & K Famous Brands and BR of Wisconsin 24, LLC to Apostal Partners Virginia, LLC. The 2.32-acre site is located on the northeast corner at the intersection of W. Broad Street (U.S. Route 250) and Brookriver Drive, on parcel 743-761-7135. The zoning is M-1, Light Industrial District and WBSO, West Broad Street Overlay District. County water and sewer. (Three Chopt)

Mr. Vanarsdall - Is anyone in the audience in opposition to POD-78-99, Pier 1 Imports at Brookhollow Center? No opposition.

Mr. Branin - Mr. Chairman, I'd like to move for transfer of approval of POD-78-99, Pier 1 Imports at Brookhollow Center, on the expedited agenda with condition #1 included.

Mrs. Jones - Second.

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

May 26, 2010
The Planning Commission approved the transfer of approval request for POD-78-99, Pier 1 Imports at Brookhollow Center, from S & K Famous Brands and BR of Wisconsin 24, LLC to Apostle Partners Virginia, LLC, subject to the standard and added conditions previously approved and the following additional condition:

1. All temporary construction dumpsters or trash containers located outside of the dumpster screening area shall be removed no later than June 1, 2010.

Ms. News - The next item is on page 5 of your agenda and is located in Varina District. This is a transfer of approval for POD-29-97, Courtyard by Marriott Hotel. Staff recommends approval.

TRANSFER OF APPROVAL

POD-29-97
POD2010-00054
Courtyard by Marriott Hotel – 5400 Williamsburg Rd. (U.S. Route 60)

Inland American Lodging Advisor, Inc. for Richmond Hotel Associates, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Cattletown, Inc, Huestis Ltd. Company, Windward Invest Assoc, LLC, and DHM Richmond Hotel, LP to Richmond Hotel Associates, LLC. The 3.23-acre site is located on the north line of Williamsburg Road (U.S. Route 60), approximately 3,200 feet west of Airport Drive, on parcel 819-714-2741. The zoning is B-3, Business District, and ASO, Airport Safety Overlay District. County water and sewer. (Varina)

Mr. Vanarsdall - Is there any opposition to this case, POD-29-97, Courtyard by Marriott Hotel? No opposition.

Mr. Jernigan - Mr. Chairman, with that I'll move for transfer of approval of POD-29-97, Courtyard by Marriott Hotel, on the expedited agenda.

Mr. Archer - Second.

Mr. Vanarsdall - Motion by Mr. Jernigan, second by Mr. Archer. 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-29-97, Courtyard by Marriott Hotel, from Cattletown, Inc, Huestis Ltd. Company, Windward Invest Assoc, LLC, and DHM Richmond Hotel, LP to Richmond Hotel Associates, LLC, subject to the standard and added conditions previously approved and the following additional condition:

1. The site deficiencies, as identified in the inspection report, dated March 2, 2010, shall be corrected by June 30, 2010.
Ms. News - Next on page 6 of your agenda and located in the Fairfield District is transfer of approval for POD-39-83—it's a portion of the POD—for Virginia Center Technology Park, Phase 1. Staff recommends approval.

TRANSFER OF APPROVAL

POD-39-83 (Part)
POD2010-00120 Virginia Center Technology Park, Phase I
- 1001 Technology Park Drive

First Potomac for Virginia Center, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Principal Life Insurance Co. to Virginia Center, LLC. The 16.91-acre site is located on the west line of Jeb Stuart Parkway, approximately 1,050 feet north of the intersection of Jeb Stuart Parkway and Virginia Center Parkway at Technology Park Drive, on parcel 785-768-0723. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. (Fairfield)

Mr. Vanarsdall - Is anyone in opposition to POD-39-83, Virginia Center Technology Park, Phase 1? No opposition.

Mr. Archer - Mr. Chairman, I move for transfer of approval of POD-39-83, Virginia Center Technology Park, Phase 1, on the expedited agenda.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion by Mr. Archer, second by Mr. Jernigan. 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-39-83, Virginia Center Technology Park, Phase 1, from Principal Life Insurance Co. to Virginia Center, LLC, subject to the standard and added conditions previously approved.

Ms. News - Next on page 7 of your agenda and located in the Fairfield District is transfer of approval for POD-02-98—this is a part of the POD—Park Central 1 (formerly Park Central Robinson Development Phase 1, Building A). Staff recommends approval.
TRANSFER OF APPROVAL

First Potomac for FP Park Central I, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Park Central Associates, LC and Robinson Development Group, Inc. to FP Park Central I, LLC. The 6.68-acre site is located on the east line of Park Central Drive, approximately 450 feet north of the intersection of E. Parham Road and Park Central Drive, on parcel 789-759-7180. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. (Fairfield)

Mr. Vanarsdall - In the Fairfield District, is anyone in opposition to POD-02-98 (Part), Park Central I (formerly Park Central Robinson Development Phase I, Building A)? No opposition.

Mr. Archer - Mr. Chairman, I move for approval of transfer of approval for POD-02-98 (Part), Park Central I (formerly Park Central Robinson Development Phase I, Building A).

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion by Mr. Archer, second by Mr. Jernigan. 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-02-98 (Part), Park Central I (formerly Park Central Robinson Development Phase I, Building A), from Park Central Associates, LC and Robinson Development Group, Inc. to FP Park Central I, LLC, subject to the standard and added conditions previously approved.

Ms. News - Next on page 8 of your agenda and located in the Fairfield District is transfer of approval for POD-02-98 (Part), Park Central II (formerly Park Central Robinson Development Phase I, Building B). Staff recommends approval.
TRANSFER OF APPROVAL

POD-02-98 (Part)
POD2010-00124
Park Central II (Formerly Park Central Robinson Development Phase I, Building B) – 8751 Park Central Drive

First Potomac for FP Park Central II, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Park Central Associates, LC and Robinson Development Group, Inc. to FP Park Central II, LLC. The 8.19-acre site is located on the east line of Park Central Drive, approximately 1,300 feet north of the intersection of E. Parham Road and Park Central Drive, on parcel 789-760-5532. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. (Fairfield)

Mr. Vanarsdall - Is there any opposition to POD-02-98 (Part), Park Central II (formerly Park Central Robinson Development Phase I, Building B)? No opposition.

Mr. Archer - Mr. Chairman, I move for transfer of approval of POD-02-98 (Part), Park Central II (formerly Park Central Robinson Development Phase I, Building B).

Mrs. Jones - Second.

Mr. Vanarsdall - Motion by Mr. Archer, second by Mrs. Jones. 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-02-98 (Part), Park Central II (formerly Park Central Robinson Development Phase I, Building B), from Park Central Associates, LC and Robinson Development Group, Inc. to FP Park Central II, LLC, subject to the standard and added conditions previously approved.

Ms. News - On page 9 of your agenda in the Fairfield District is transfer of approval for POD-02-00 (Part) Park Central V (formerly Park Central Robinson Development, Building 5). Staff recommends approval.

TRANSFER OF APPROVAL

POD-02-00 (Part)
POD2010-00123
Park Central V (Formerly Park Central Robinson Development, Building 5) – 8801 Park Central Drive (POD-84-99 Rev.)

First Potomac for FP Park Central V, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Park Central Associates, LC and Robinson Development Group, Inc. to FP Park Central V, LLC. The 4.19-acre site is located 800 feet at the end of the driveway found on the east line of Park Central Drive, approximately 900 feet north of the intersection of E. Parham Road and Park Central Drive, on parcel 789-760-9939. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. (Fairfield)
Mr. Vanarsdall - Is there any opposition to POD-02-00 (Part) Park Central V (formerly Park Central Robinson Development, Building 5)? No opposition.

Mr. Archer - Mr. Chairman, I move for approval of transfer of approval for POD-02-00 (Part) Park Central V (formerly Park Central Robinson Development, Building 5).

Mr. Branin - Second.

Mr. Vanarsdall - Motion by Mr. Archer, second by Mr. Branin. 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-02-00 (Part) Park Central V (formerly Park Central Robinson Development, Building 5), from Park Central Associates, LC and Robinson Development Group, Inc. to FP Park Central V, LLC, subject to the standard and added conditions previously approved.

Ms. News - The next item is on page 10 of your agenda and located in the Fairfield District. This is a landscape plan, LP/POD-58-07 for Dillyn Place, Section 2. Staff recommends approval.

LANDSCAPE PLAN

LP/POD-58-07 Dillyn Place, Section 2 - Dill Rd.

Bay Design Group, P.C. for Barrington Investors, Ltd.: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 11.4-acre site is located at the terminus of Dillyn Place and Dillyn Terrace, on parcel 799-732-4991. The zoning is R-5AC General Residence District (Conditional). (Fairfield)

Mr. Vanarsdall - Is there any opposition to LP/POD-58-07 for Dillyn Place, Section 2? No opposition.

Mr. Archer - Mr. Chairman, therefore, I move for approval of LP/POD-58-07 for Dillyn Place, Section 2, subject to the standard conditions for landscape and lighting plans.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion by Mr. Archer, second by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion passes.
The Planning Commission approved the landscape plan for LP/POD-58-07 for Dillyn Place, Section 2, subject to the standard conditions attached to these minutes for landscape plans.

Ms. News - On page 11 of your agenda and located in the Three Chopt District is SUB-04-10, Clays Corner (May 2010 Plan), for 5 lots. Staff recommends approval.

SUBDIVISION

SUB-04-10
SUB2010-00049
Clays Corner
(May 2010 Plan)
3000 Pump Road

Grattan and Associates, P.C. for Ed Clay: The 1.93-acre site proposed for a subdivision of 5 single-family homes is located at the northwest intersection of Sunrise and Pump Roads, on parcel 738-756-7754. The zoning is R-3C, One-Family Residential District (Conditional). County water and sewer. (Three Chopt) 5 Lots

Mr. Vanarsdall - Is anyone in opposition to SUB-04-10, Clays Corner (May 2010 Plan), in the Three Chopt District? No opposition.

Mr. Branin - Mr. Chairman, then I'd like to move that SUB-04-10, Clays Corner (May 2010 Plan), be approved on the expedited agenda with the conditions #13 and #14.

Mrs. Jones - Second.

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

The Planning Commission granted conditional approval to SUB-04-10, Clays Corner (May 2010 Plan), subject to the standard conditions attached to these minutes for subdivisions served by public utilities, the annotations on the plans, and the following additional conditions:

13. Each lot shall contain at least 11,000 square feet.
14. The proffers approved as part of zoning case C-3C-10 shall be incorporated in this approval.

Ms. News - Next on page 12 and located in the Brookland District is SUB-05-10, Hidden Ridge (May 2010 Plan), for 1 lot. Staff recommends approval.
SUBDIVISION

SUB-05-10
SUB2010-00050
Hidden Ridge
(May 2010 Plan)
10398 Warren Road

Draper Aden Associates for Gregory A. Windsor: The 1.47-acre site proposed for a subdivision of 1 single-family home is located southeast of Warren Road at the intersection of Cardigan Circle, on parcel 768-764-2462. The zoning is R-2, One-Family Residential District. County water and sewer. (Brookland)

1 Lot


Mr. Archer - Second.

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

The Planning Commission granted conditional approval to SUB-05-10, Hidden Ridge, (May 2010 Plan), subject to the standard conditions attached to these minutes for subdivisions served by public utilities, the annotations on the plans, and the following additional condition:

13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously noted on the plat and construction plans and labeled "Limits of Special Flood Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width Drainage & Utilities Easement."

Ms. News - The final item is on page 16 of your agenda and is located in the Brookland District. This is rezoning case C-8C-10, Martin Shane for JMW, LLC. There is an addendum item, which includes revised proffers.

REZONING CASE (Deferred from the May 13, 2010 Meeting)

C-8C-10 Martin Shane for JMW, LLC: Request to amend proffered conditions accepted with Rezoning Case C-68C-00, on Parcel 776-744-1464, located at the southwest intersection of Dumbarton Road and Byrdhill Road. The applicant proposes to amend Proffer 2 related to building size and Proffer 4 related to building height. The existing zoning is M-1C Light Industrial District (Conditional) and O-2C Office District (Conditional). The Land Use Plan recommends Office. This site is in the Enterprise Zone

Mr. Vanarsdall - Is anyone in opposition to C-8C-10, Martin Shane for JMW, LLC? No opposition. I move that C-8C-10, Martin Shane for JMW, LLC, be
recommended to the Board of Supervisors for approval with the addendum item regarding the proffers.

Mr. Archer - Second.

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

REASON: Acting on a motion by Mr. Vanarsdall seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties.

Ms. News - That completes our expedited agenda.

Mr. Vanarsdall - Ms. News, that leaves 2 pages.

Mr. Emerson - Yes, sir, Mr. Chairman, now that Ms. News has done the heavy lifting this morning, we'll move on to the next item which is Subdivision Extensions of Conditional Approval. These will be presented by Mr. Pambid.

SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL
Mr. Vanarsdall - Good morning, Mr. Pambid.

Mr. Pambid - Good morning, members of the Commission. This map indicates the location of the 7 subdivisions that are presented for extensions of conditional approval. Four subdivisions are eligible for extensions of conditional approval and are entitled to be extended to the July 1, 2014 date, per the new legislation. Two subdivisions are eligible for a one-year extension until May 25, 2011. These are for informational purposes only and do not require Commission action at this time. This concludes my presentation. Staff can now answer any questions you might have regarding this.

Mr. Vanarsdall - Questions for Mr. Pambid by Commission members? Thank you, Mr. Pambid.
Mr. Pambid - You're welcome.

Mr. Vanarsdall - Have you had any recently that go past 2014?

Mr. Pambid - No. We won't get to that point for a while. Right now, all the ones that we have are only eligible for extension to 2014. We haven't reached that point in the cycle yet.

Mr. Vanarsdall - Thank you. All right, Mr. Secretary.

Mr. Emerson - Mr. Chairman, that takes us to the first item on your agenda.

TRANSFER OF APPROVAL

POD-119-84
POD2010-00129
Buz and Ned's (Formerly Fuddruckers) – 8205 W. Broad Street (U.S. Route 250)

Higgins and Gerstenmaier for Buz and Ned's of Parham and Broad Land, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from A. T. Andrews and Blanche J. Andrews and Atlantic Restaurant Ventures, Inc. to Buz and Ned's of Parham and Broad Land, LLC. The 1.8-acre site is located at the intersection of Old Parham Road and W. Broad Street (U.S. Route 250), approximately 500 feet east of Parham Road on the south line of W. Broad Street at 8205 W. Broad Street, on parcel 762-753-4189. The zoning is B-1, Business District. County water and sewer. (Three Chopt)

Mr. Vanarsdall - Is anyone in opposition to transfer of approval for POD-119-84, Buz and Ned's (formerly Fuddruckers)? No opposition. I understand that Buz and Ned's has good barbeque. I never thought I'd live long enough to see Fuddruckers go out of business. We'll see what Buz and Ned's can do.

Mr. Pambid - Yes, sir. We'll talk about that here now.

This site entails a redevelopment and minor expansion of the former Fuddruckers' site, which was constructed in 1984 and operated as a hamburger restaurant until last month in April. The applicant intends to open the building as a full-service barbeque restaurant.

During the transfer of approval inspection, the usual deficiencies were identified with a site of this age, and that includes missing, dead, and overgrown landscaping, cracked asphalt, faded striping on the parking lot, and a wooden dumpster enclosure in disrepair.

Staff recommends approval of this transfer request provided that a plan detailing updated landscaping and any site revisions be submitted to the Planning Department for review and approval prior to the issuance of any certificates of occupancy.
This concludes my presentation. I can now answer any questions you might have regarding this. The applicant, Buz Grossberg of Buz and Ned's Real Barbecue, and the landscape architect, Keith Van Inwegen, from Higgins and Gerstenmaier, are also here to answer any questions.

Mr. Vanarsdall - Any questions for Mr. Pambid?

Mr. Branin - I'd like to hear from the applicant.

Mr. Vanarsdall - Come on down and state your name.

Mr. Grossberg - Good morning, Buz Grossberg.

Mr. Branin - We are excited in the Three Chopt District to get Buz and Ned's, and that you're coming into a building that is going out, and you're coming in so quick so we don't have an empty building. Staff has told me that you've been very accommodating and when they said we need a tree here or whatever, you guys say okay, not a problem. Can you explain what your architectural detail is going to be? We're kind of flying a little blind on this.

Mr. Grossberg - Well, we felt for barbecue that we wanted to create an image of longevity, of being there for a long time, such as the place we inhabit on the Boulevard. So, we wanted to make the building look as if it was a structure that had been added onto over the years. We're adding features that might apply to different decades over the years, as someone would naturally grow a business, especially someone small. They would start with a particular structure, and then they would say, okay, I think we are doing well now and we'll add a kitchen addition. Now we're doing well, the kitchen addition is able to produce a lot, so we'll add some more dining room, and so on and so forth. That's the kind of feel we want to provide—something very, very unique, something very, very true to the time that we choose to make the building.

We're doing a lot of use of reclamation and salvage materials, trying not to buy new, if we can help it. Part of it is a green concept. Unfortunately with limited funds, you can't do 100% green because it's far more expensive. But we are doing some very interesting things in the project, including capturing rainwater on the roof, pumping it into a cistern, and using it as non-potable water on site for water irrigation, for washing down the parking lot, for anything that you might not need County water. It also pulls it out of the mainstream of the runoff. So I think that's a great idea. Everything involved with it, except the pumping system, is reclaimed. The cistern was off of a building in New York City. It has been sitting, broken down for umpteen years in a warehouse in Philadelphia. It's a lot of tracking, a lot of research, and a lot of just hunting these products down in order to create this feeling. We're doing it with fairly great detail. We don't want it to look like Disneyland; that's far from where we are. We're going as far as to put up masonry walls inside the Fuddruckers to mirror the walls on the outside of the building so it looks like it was an old warehouse with a solid brick structure. The windows are
being converted from those very small out-of-synch windows for the size of the building into actual warehouse-style windows with the steel grid. We had to make a lot of accommodations for that, like double panes and energy conservation methods, which are quite difficult. So we had to actually have these windows fabricated for us, and it's all being done locally.

We're trying to do as much local business as we can also. It's kind of an overall philosophy that I have of working locally as much as possible, trying to use materials that ordinarily might have gone out in the trash or to recycling, chopped up. That goes for inside and outside. We're going to do a lot of that in the interior, but we don't want to use it as décor; we like the ambience.

That's what we're trying to do. We're trying not to use things on the walls as decoration. We're trying to make whatever we put in there either functional now or appear to have been functional at an earlier date. It's quite an interesting and unusual design effort that we've had to work with the architects hand-in-hand because no one in Richmond that I could find has had any experience in doing this kind of reclamation work. We'll be able to tell customers where the tables came from. In fact, we're having all our tables made from reclaimed lumber that was on the outside of a barn. It's a myriad of different things that we want to do. I even bought a display out of a Ukrop's. We have Ukrop's memorabilia in the retail store. We'll have a substantial 600-square-foot retail component of this where people can go in and buy not just your normal hats and shirts, but cooking utensils; smoking woods of various flavors where you weigh it and buy it by the pound; books on barbecuing. Just very eclectic.

Plus the tourist end of it because we actually drew—we did a study just recently because the bank, when we were looking for financing, was worried that we were going to take too much business away from the Richmond store. So we did a pin study. On weekends—which is totally amazing to me—a full 20% of our business comes from out of the area. Part of that is our presence on television; part of that is working closely with the junior tourist groups. We'll bring in more of that as we get steady on our feet. Bus tours. Fortunately, the parking lot is substantial. We are maintaining a 100-foot banquet room so that anybody corporately or from out of town can reserve it; busloads coming in. We'll actually have the ability to break it up into 2 busloads so we can service 2 companies at the same time. There is going to be a big tourist component, and we're involved with a national presence. On June 30, 2010 at 10:00, for good or for bad, we're going to be featured on “Man v. Food” on the Travel Channel. I think it's a very widely-watched show, so I think it's going to also have a major impact. There are some other things I can't really talk about yet.

Mr. Branin - What I was more interested in is hearing about the green and LEED things you're doing, not your marketing.

Mr. Grossberg - Well, it's good for the County, I feel, because we're going to bring in people from outside the area.
Mr. Vanarsdall - We're going to look forward to it being there.

Mr. Jernigan - What's your time frame?

Mr. Grossberg - We are hoping August. We're working very hard. We have everybody on a fast track. When the bids came in, they were very high. We're using an SBA loan along with a local bank, so we had to spend almost a month trying to whittle down the costs of construction in order to make it a viable project for us.

Mr. Vanarsdall - We appreciate you explaining it to us, and it sounds great. We're looking for it. I was just thinking maybe we could have planning night or something if the Squirrels have a...

Mr. Grossberg - I was thinking more of competition between the Planning Commission of Henrico against the Planning Commission of Richmond, maybe. We could set that up.

Mr. Emerson - That would be no competition.

Mr. Vanarsdall - We could probably out eat them; I don't know.

Mr. Branin - Thank you very much.

Mr. Vanarsdall - We appreciate you coming down. Thank you.

Mr. Pambid - I didn't want to interrupt Mr. Grossberg while he was talking, but we do have some renderings that were presented a while back. I know a major part of this is the architectural. This is what they gave to staff a couple of months ago.

Mr. Vanarsdall - The water tank is going to be there, too. Go ahead, if you have any more.

Mr. Pambid - These are the only 2 that I have.

Mrs. Jones - Can I see the conceptual landscape plan?

Mr. Pambid - Yes, ma'am. This plan is actually a hybrid of the original landscape plan and some new elements. We're asking them to dress up the front. The BMP in the lower left-hand corner of the drawing as you're looking at it—right now that is overgrown. The original landscape plan called for that to be sod, so that's going to be maintained, and that's going to be cleared out.

Mrs. Jones - It will be updated and enhanced.

Mr. Pambid - Yes, ma'am.
Mrs. Jones - This is a very visible location, so I think this is certainly in order. Thank you.

Mr. Pambid - You're welcome.

Mr. Vanarsdall - Any questions for Mr. Pambid? Thank you.

Mr. Pambid - You're welcome.

Mr. Branin - All right, Mr. Chairman, I would like to move that transfer of approval POD-119-84, Buz and Ned's (formerly Fuddruckers), be approved with condition #1 included.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion by Mr. Branin, second by Mr. Jernigan. 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-119-84, Buz and Ned's (formerly Fuddruckers), from A. T. Andrews and Blanche J. Andrews and Atlantic Restaurant Ventures, Inc. to Buz and Ned's of Parham and Broad Land, LLC, subject to the standard and added conditions previously approved and the following additional condition:

1. A plan detailing updated landscaping and any site revisions shall be submitted to the Planning Department for review and approval prior to the issuance of any Certificates of Occupancy.

PLAN OF DEVELOPMENT AND MASTER PLAN
(Deferred from the May 13, 2010 Meeting)

Bay Design Group, P.C. for Pouncey Place, LLC: Request for approval of a plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a shopping center with Phase 1 consisting of 2 one-story retail buildings totaling 27,555 square feet and a future site for a one-story building totaling 6,000 square feet; and Phase 2 consisting of 3 one-story retail buildings totaling 54,862 square feet. The 10.72-acre site is located on the southeast corner of Pouncey Tract Road (State Route 271) and Twin Hickory Lake Drive on parcel 740-785-2150 and part of parcel 740-765-7333. The zoning is B-2C, Business District (Conditional), A-1, Agricultural District, and WBSO, West Broad Street Overlay District. County water and sewer.

(Three Chopt)
Mr. Vanarsdall - Is anyone in the audience in opposition to POD-41-07, Pouncey Place, Phase 1? No opposition.

Mr. Ward - This plan of development, POD-41-07, was originally scheduled to be heard in July 2007. It has been deferred since that time to allow the developer to address site access issues. The developer originally assumed that the access drive from Pouncey Tract Road to the adjoining VDOT property was public right-of-way. It was subsequently determined that the private drive was owned by VDOT. Since then, the POD was deferred to permit the developer to work with both VDOT and the County to seek dedication of the access drive. The plan before you provides conditions for the dedication of the access drive to Henrico County as Pouncey Place.

The shopping center master plan consists of two phases of development. In the first phase, two retail buildings will be developed along Pouncey Tract Road and then an access drive to Twin Hickory Lake Drive will be provided around the rear of the existing buildings on the property. The turn lane for the access to Twin Hickory Lake Drive will occupy some existing common areas along Twin Hickory Lake development. This affected portion of common area and landscaping will be vacated with a subsequent subdivision plat that dedicates both the turning lane for this section and Pouncey Place right-of-way. The location of Twin Hickory Lake Drive does not conform to the proffered conceptual plan provided in rezoning case C-27C-05. The revised master plan for the shopping center does contemplate locating an access drive to the northeast portion of the property and adjacent to VDOT land instead of the more central area that was originally provided here. The proffers do, however, permit the Planning Commission to approve an alternative layout.

In response to staff's concerns regarding the location of the access drive along Twin Hickory Lake Drive, the developer has provided for a future cross access to the VDOT property and a schematic landscaping plan which provides enhanced landscaping. The plan provides a six-foot PVC privacy fence that will surround the existing businesses here, and tree planting equal to a 25-foot transitional buffer to be planted in a 15-foot-wide landscaping strip along VDOT and Pouncey Place property lines. In addition, a six-foot privacy fence with PVC and tree planting equal to a 10-foot transitional buffer would be provided to screen the existing businesses and service areas from the drive aisles and the rest of the shopping center.

Pursuant to condition #42 in the agenda, the developer will enter into a consent agreement to eliminate by November 2013 the non-conforming auto storage—which is here— which was also created without benefit of a POD. In addition, per condition #43 on the addendum, the developers acknowledge the use of the dog kennel and auto service as non-conforming uses, but the leases will not be renewed after August 2017, unless the developer submits and implements a plan of development that will bring the building into conformance with the architectural proffers and conditions of zoning case C-27C-05.
The architectural plans for the proposed buildings are similar to Belgrade Shopping Center and include white painted brick and white EIFS walls; tan, stone veneer columns and foundations; and Hunter green standing seam metal roof with slate-colored dimensional shingles. Also, the white painted brick veneer walls are going to be used to screen utility equipment throughout the shopping center. All of these architectural elements do correspond to the proffers outlined in rezoning case C-27C-05.

Staff can recommend approval of the POD, subject to the conditions on the revised plans, standard conditions for developments of this type, conditions #9 and #11 amended, additional conditions #29 through #42, condition #44 on the agenda, and revised condition #43 on the addendum. This concludes my presentation. I'm here to answer any questions, and Dan Caskie with Bay Design Group is also here to answer any questions.

Mr. Vanarsdall - Any questions for Mr. Ward by the Commission?

Mrs. Jones - I'd like to make sure I understand the addendum correctly. I do not seem to be able to grasp this. The non-conforming uses, obviously the lease is up for renewal and they now stand as not being renewed, one in 2013, one in 2017, unless architecturally the buildings housing those uses come into conformance with the general development architectural. So it's all about architecture; it's not about use. The use can continue.

Mr. Ward - The condition talks about the building, but the plan of development intent was to include the entire site. We should have worded that a little bit differently. It talks about plan of development, and the building would come into conformance with the architectural design guidelines and then also the conditions of the rezoning case.

Mrs. Jones - But the use can continue.

Mr. Ward - The use can continue, right. He would have to upgrade the site and those 2 uses here. It's called K-9 to 5—it's a dog kennel—and then the auto transmission shop. He would have to bring the building into conformance, and the site would have to be paved. He chooses not to do that right now, according to the developer.

Mrs. Jones - Should he do that, then any other use that goes in there, what is their obligation for the architectural elements?

Mr. Ward - They would have to be in conformance with the proffers.

Mrs. Jones - That's totally to be harmonious and—

Mr. Ward - Right. If those 2 uses tried to come in there today, they wouldn't be allowed to.
Mrs. Jones - All right.
Mr. Ward - It has been a confusing process.
Mrs. Jones - Thank you.
Mr. Ward - You're welcome.
Mr. Vanarsdall - Any other questions? Thank you, Mr. Ward.

Mr. Branin - This case, as you guys know, has been on the books for a very, very, very long time. The developer, in short, wants to start developing it, but in that process, there are 2 leases out there that he can't get rid of. That's why I deferred it last time so we could block out the view because of the conditions those leases are in so we can create a nice developed area until we can get those out.

With that, Mr. Chairman, I'd like to move for approval of POD-41-07, Pouncey Place, Phase 1, with conditions #29 through #44, and amended conditions #9, #11, and #26.

Mr. Archer - Second.
Mrs. Jones - And revised #43 on the addendum.
Mr. Branin - Revised #43 on the addendum.
Mr. Vanarsdall - Motion by Mr. Branin, second by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

The Planning Commission approved POD-41-07, Pouncey Place, Phase 1, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

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

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

26. **MODIFIED** – Any necessary water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.

29. The subdivision plat for Pouncey Place shall be recorded before any occupancy permits are issued. The dedicated section of Pouncey Place adjacent to Phase 1
shall be improved, as determined by the Director of Public Works, prior to the
issuance of any certificate of occupancy in Phase 1. The section of Pouncey
Place adjacent to Phase 2 shall be improved, as determined by the Director of
Public Works, prior to the issuance of any certificate of occupancy in Phase 2.

30. The right-of-way for widening of Twin Hickory Lake Drive as shown on approved
plans shall be dedicated to the County with the subdivision plat for Pouncey
Place prior to any occupancy permits being issued.

31. The entrances and drainage facilities on Pouncey Tract Road (State Route 271)
shall be approved by the Virginia Department of Transportation and the County.

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

33. A concrete sidewalk meeting County standards shall be provided along the south
side of Twin Hickory Lake Drive.

34. The proffers approved as a part of zoning case C-27C-05 shall be incorporated in
this approval.

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

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

37. The conceptual master plan, as submitted with this application, is for planning
and information purposes only.

38. 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 determined appropriate by
the Director of Planning or the Planning Commission at the time of plan approval.

39. The applicant shall incorporate into the construction plans for signature any
comments generated by the County’s Traffic Engineer from his review of the
Traffic Impact Study for this development.

40. Only retail business establishments permitted in a B-2 zone may be located in this
center.

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

42. The developer acknowledges that the use of the property for a vehicle storage lot
is nonconforming with the B-2C zoning. He further acknowledges that the vehicle
storage lot was established without an approved plan of development. When the
lease expires on October 31, 2013, it will be terminated, and the use of the
property for a vehicle storage lot will be discontinued. The lease will not be
renewed.

43. The developer acknowledges the use of a dog kennel and auto service is non-
conforming, and the leases shall not be renewed beyond August 31, 2017.
unless the developer submits and implements a plan of development that would bring that building into conformance with the architectural design proffers in rezoning case C-27-05.

44. An offsite drainage easement or other permission acceptable to the Director of Public Works shall be obtained by the applicant prior to final approval of the construction plans.

Mr. Emerson - Mr. Chairman, that takes us to the next item on your agenda, which is to set a work session date for the review of a proposed amendment to the County Code, the Zoning Ordinance specifically. The Board requested us to take a look at this during some discussion regarding refuse collection several months ago. What this does, it makes changes to several sections of the Code that deal with hours of collection and distance from residential to the large boxes—I refer to them as the green boxes—the businesses use for their refuse. We're going to be coming forward with some changes to the Code for you to consider. We'd like to have a work session with you on June 23, 2010, to review that.

Mrs. Jones - Will you be gone, Mr. Archer?

Mr. Archer - Yes, I will.

Mr. Vanarsdall - I understand that they didn't reach a decision because of, like you said, different hours for different things.

Mr. Emerson - Right. Actually, it had to do with the noise ordinance. That's where it originated. Neighborhoods complained about the noise created when the refuse collection companies were going out and picking up the refuse from adjacent businesses. Of course, our ordinance does have some requirements regarding hours and distances, but in certain categories it could occur 24 hours a day. So, we've gone through and made some suggested revisions that we want to bring forward for you to discuss. It does deal with numerous sections of the Code.

Mr. Vanarsdall - One thing that has happened over the years is sometimes something will be behind, so they will slip in a neighborhood and dump it. You get a neighborhood complaint, and they usually say it's a new driver and he didn't know.

Mr. Emerson - Right.

Mr. Vanarsdall - But that doesn't happen often.

Mr. Emerson - This deals with commercial collection; it's not your residential door-to-door collection that we're talking about.

Mr. Vanarsdall - No, I'm talking about commercial next to a neighborhood.

Mr. Emerson - Right.
Mr. Vanarsdall - So you want us to set a session. Do you have anything in mind?

Mr. Emerson - The 23rd. It would just occur after your regular meeting.

Mr. Vanarsdall - June 23rd?

Mr. Emerson - Yes, sir.

Mr. Vanarsdall - The only thing I hate about that is Mr. Archer will not be here.

Mr. Emerson - We can move it to another day. We're not—

Mr. Archer - You can send me some information on it, and I could give comments if I had any. I wouldn't want you to cancel the meeting.

Mr. Emerson - We can send the ordinance out to you—the draft ordinance changes. We do have that; we plan to provide that to you. We just don't have it prepared today to distribute, but we can get that out to everyone so you can take a look at it.

Mr. Vanarsdall - Are the Commissioners okay with the 23rd of June? Tommy, you didn't say anything.

Mr. Branin - I'm sorry, sir. Yes, I'm fine with it. I was actually putting it on my calendar.

Mr. Kaechele - It's following this meeting?

Mr. Emerson - Yes, sir. It'll be on the regular agenda. Right now, we don't think that agenda will be terribly long.

Mr. Vanarsdall - I need a motion for that.

Mrs. Jones - I move we set the work session on June 23, 2010, to review proposed amendments to Chapter 24 of the County Code concerning the impact of refuse servicing.

Mr. Jernigan - Second.

Mr. Vanarsdall - Motion by Mrs. Jones, second by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion passes.
Mr. Emerson - Thank you, Mr. Chairman. The next item on your agenda is to consider the approval of the minutes for April 28, 2010.

APPROVAL OF MINUTES: April 28, 2010

Mr. Vanarsdall - Anybody who did not read the minutes, raise your hand. All right.

Mrs. Jones - I move approval of the minutes of April 28, 2010, as distributed.

Mr. Jernigan - Second.

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

The Planning Commission approved the April 28, 2010 minutes as submitted.

Mr. Emerson - Mr. Chairman, the next item on your agenda is a short work session on the Innsbrook Area Land Use Study. We wanted to discuss with you the results of the open house on May 4, 2010. That presentation will be made by Mr. Ben Sehl.

Mr. Sehl - Good morning, thank you.

Mr. Vanarsdall - Fire away.

Mr. Sehl - The purpose of this work session is to review the comments received at the public information meeting hosted by the Planning Department on May 4, 2010. The meeting was held to discuss the Innsbrook Area Study with residents of the Innsbrook area and others interested in the future of this area of the County.

Over 2,400 notices were sent out for the community meeting, and the meeting was well publicized through local news sources such as the Times-Dispatch and local television news. This map shows the area that was notified for the meeting, stretching down Springfield Road and all the way over to 295.

The meeting included an exit survey allowing attendees to respond to questions and offer comments on the draft study. Staff compiled the responses from the survey as well as written comments received through the Planning Department’s website. Last week, we distributed a binder to you containing this information. The report sent to you also included an analysis of the exit survey completed by 55 of the 79 attendees. Similar to what was done with the 2026 Comprehensive Plan, staff assembled the answers to those questions that were multiple choice in format and provided a graph showing the distribution of citizen responses to those questions.
Approximately 95% of the meeting attendees were County residents, with the majority of the residents living in the Three Chopt District as shown on this graph. This does make sense given the majority of the notifications sent out for the meeting were to households within Three Chopt. There were a small portion of the notifications sent to residences of the Brookland District as well.

This slide shows the responses to the question about how the study area is used for recreational purposes. Staff believes that the answers to this question provide strong evidence about the importance that recreational and other uses within Innsbrook play in the lives of nearby residents. Over 85% of the respondents say that they use Innsbrook for recreational purposes, especially the walking and biking trails. Attending concerts within the park was also frequently mentioned as an activity by nearby residents.

 Fewer than half of the respondents had viewed the study on the Planning Department’s web page prior to the meeting, although copies of the study were available for review at the meeting and each attendee was given a packet containing the vision for the study area, as well as goals, objectives, and policies pertaining to development within the study area. As shown on this graph, 56% of the respondents say that they either supported or partially supported the vision for the study area presented in those documents. Twenty attendees responded that they did not support the vision proposed for the Innsbrook area. Although staff notes that the majority of the respondents at least partially supported the vision of the study, we recognize the issues regarding traffic and impacts to adjacent residences are a major concern, as discussed in the answers to the open-ended questions provided on the exit survey. These concerns are likely a major factor in the number of the respondents shown here that stated they did not support the vision for the study area. Also, given the large number of notices sent out for the meeting and the coverage the meeting received in the local media, staff does believe it’s helpful to note that the response to the study has been overwhelmingly positive, with only 20 exit surveys and a small number of e-mails stating concern about the vision for the Innsbrook area.

While the majority of the survey respondents supported the draft study, concerns about building height and traffic are reflected in the rankings of design features and quality-of-life issues referenced in questions 9 and 10. Building placement and height was considered the most important design feature, according to the exit survey. Traffic, as shown on this graph, was considered the most important quality-of-life issue.

Following the analysis of the multiple choice questions in your binder is a listing of all the comments that we received to the open-ended questions. Some of these might have been a number of sentences, and staff broke them into specific categories as shown in the binder you received. These major topics include building design, impacts on adjacent residential uses, land use, and transportation.

The comments received via the open-ended questions reinforced the importance of transportation impacts, the impacts on adjacent homes in how development within the study area is viewed by existing residents. Staff believes these factors have largely
been addressed by the objectives and policies contained within the draft study but is undertaking a review of these policies to ensure these comments are addressed to the greatest extent possible. We'd also like you to know that many of the concerns voiced would most likely be addressed through the rezoning process and could be a better format for addressing some of the specific concerns that residents noted in the exit surveys.

Also included in your binder are those e-mails and letters staff has received regarding the draft study. You'll notice that a number of the e-mails received were similar in form and voiced support for the Planning Department's recommendation for the study. These were all received through the Planning Department's website that we set up for the Innsbrook Area Study. We also received several specific comments that were in support of the study with requests that additional emphasis be placed on transportation impacts and pedestrian and bicycle mobility.

In addition to reviewing the draft policies as I previously discussed, staff intends to prepare 2 additional items for review by the Planning Commission at an additional work session that we're hoping to hold prior to the planned public hearing. These pertain to a request to include an area west of Sadler Road within the study area, as well as proposed amendments to the Land Use Plan to designate the Innsbrook area as an Urban Development Area. The first request was received by staff from a landowner who controls a large portion of the properties of McDonald's Small Farms to the west of the study area. If the Commission so directs, staff will evaluate, by including this area in the study, and will provide recommendations regarding appropriate uses and development policies for the future. This area shown here is generally bordered by Interstate 64 to the south, Interstate 295 to the west, some of the recent redevelopment located here along Sadler Road to the north, and then Sadler Road itself to the east. We've seen some recent rezoning activity through this area in the recent past with some townhomes and some R-5A development in this area. This also shows the location of the proposed relocation of Sadler Road.

In addition to this proposed change, because of recent legislation approved by the general assembly—Yes, sir?

Mr. Kaechele - If this area is included within the study, there's still the option of the timing on zoning as being part of the recent zoning or not?

Mr. Sehl - Mr. Kaechele, what staff is proposing at this time is to get the Commission's consent to add this into the Innsbrook Area Study.

Mr. Branin - What Mr. Kaechele's question is, will that affect the timing of approvals for Innsbrook as it stands now at hand?

Mr. Sehl - It is not anticipated to, no, Mr. Kaechele. The intent would be to hold a work session describing the potential policies for this area and the Urban Development area changes on June 23, 2010, or with the work session that was just
set. Then, the public hearing could potentially still be held. As long as the Commission was comfortable with the changes proposed at that time, the public hearing could still be held in July, and then ultimately move on to the Board. We could not currently hold a public hearing for the Planning Commission prior to July because of advertising.

Mr. Emerson - I think the short answer is yes, sir, we can accommodate it. We feel that we can provide you some recommendations at a work session that we plan to propose to schedule on the 23rd as well.

Mr. Kaechele - All right.

Mr. Branin - For my fellow Commissioners, this area is bordered by I-64, I-295, and Broad Street. We've seen a slow growth in this area in the past several years. We have been holding this area, waiting for the Sadler Road extension to go through here. In that time, we keep looking at different options. So the idea of including this into the Innsbrook development area for the potential of a different type of housing than the R-3 that's approved of the—what else do we have in there, R-5?

Mr. Emerson - We have some R-5A, I believe.

Mr. Branin - R-5A. It may benefit this area in development in working with Innsbrook.

Mr. Emerson - To also add to what Mr. Branin has said, we wouldn't look at this area as Urban Mixed Use. It would be an outgrowth from the higher density of the Urban Mixed Use. Quite honestly, my thoughts on it would be it may come in as a TND area, as you saw we introduced in your 2026 Plan. Hopefully, we'll be having an ordinance proposal coming forth to you in the next several months for review in that regard as well. I wouldn't foresee this area containing multi-family because, obviously, multi-family is more envisioned within the original Innsbrook Study Area that we're discussing currently. I would see this more as an outgrowth of detached single-family on smaller lots, maybe in a grid pattern, so it would feed into this and complement it, but not necessarily cannibalize what we're trying to accomplish within the original study area—allowing a little more density in a more urban pattern, yet not to the density of, say, apartments.

Mr. Vanarsdall - Short Pump, West Broad Village.

Mr. Emerson - Not to that. That's what we anticipate would occur within the Innsbrook proper, is the West Broad Village concept, only on a higher scale, higher quality. This area would be detached single-family at a higher density that would complement. Sort of like your village, and then you have the outgrowth, the wedding cake effect, the tiered effect of density that moves outward.

Mr. Kaechele - That could come into play with any potential rezoning of the original area, the traffic effect.
Mr. Emerson - Absolutely, yes, sir.

Mr. Kaechele - So it's going to be treated kind of as a special land use study adjacent to but not a part of the land use study.

Mr. Emerson - It would be part of this study, but it would have its own section.

Mr. Kaechele - Part of the study, but not a part of the actual land use.

Mr. Emerson - It's not part of Innsbrook. It wouldn't be part of the Urban Mixed Use; it would be an ancillary use that would have a separate portion. On June 23, 2010, when we talk about it, understanding that this came out of the open house, essentially, on May 4, 2010, if the Commission isn't comfortable with adding that area to this for the public hearing, you certainly could spin that off into a separate study and hold a public meeting on that at a later date, and let the main core of this study move forward. You do have some options. All we're looking for at this point is whether or not the Commission considers this a valid idea for discussion. We feel we can look at it and come back to you with some recommendations. At that point, you can make a decision as to whether or not you include it or if it needs further thought and study.

Mr. Vanarsdall - Tell us about how you think the open house went.

Mr. Emerson - My opinion on the open house? I thought it went very well. I was very pleased.

Mr. Branin - The only issue that was a negative at this open house was the presentation that the press gave to Innsbrook being redeveloped and re-looked at. The news showed several pictures of unfinished West Broad Village and portrayed that this is what Innsbrook is going to be. The people that came out said we don't want that here, which it's not going to be exactly like that. Some of the people that had great concerns, it was because of the way the story was presented on the news, which is the feedback I received. You?

Mr. Emerson - I agree, Mr. Branin. Some of the comments that I received where people were on the fence in regard to support of this proposal, we did receive comments about West Broad Village. I tried to explain to people—and I think this needs to be widely understood—that West Broad Village is a work in progress; it is a construction site right now. When it's completed, it will look far different than it does today. I think everybody will be pleased with that project when it's totally completed. The West Broad frontage right now does have unfinished outparcels. I think the developer would tell you, as many developers in this current market situation would tell you, if I could finish that project, it would be done. They don't like their projects sitting idle anymore than the general public likes to see them sitting idle. So, I think in their defense, it's going to be a nice project; it is a nice project. If you go into it and look...
around, it has some very quality elements beginning to emerge. They had a recent
classic success with the location of the Children’s Museum of Richmond in their village. I
believe as time moves forward and the project is completed, people will be happy. I do
believe we also received many negative comments on the line of, “We don’t like the way
it looks.” That’s somewhat of an unfair judgment to make at this point.

Mr. Kaechele - All right.

Mr. Vanarsdall - I think you’re right. I’ve ridden through there, and I was
surprised the hotel was already open. Several cars were around it.

Mr. Emerson - The clubhouse is open now.

Mr. Kaechele - And the pool. They’ll have their pool open this weekend.

Mr. Branin - The pool opens up this weekend, and there are 3 more
restaurants that are slated to go in there.

Mr. Vanarsdall - Getting back to Innsbrook, I was not surprised that traffic
was the number one issue. The people that I talked to, the first thing was traffic. I didn’t
have anybody say safety, but somebody wanted to know if we’re trying to make this
another Short Pump. Then some lady said, “Why don’t you leave it alone?” All this was
in this book. I thought it was a good mixture of people.

Mr. Emerson - It was. We had a very good mixture. As you know, traffic was
the predominant comment. Of course, we’ll have to examine traffic with each proposal.
This is a land use study. It essentially enables the development community to come
forward with proposals. When the proposals come forward, as you know, Urban Mixed
Use is a very involved review. With that, we’ll look at the impacts, and traffic
improvements will be provided as necessary. One thing to keep in mind is that Broad
Street really can’t be expanded. There is work going on at the Nuckols Road/I-295
interchange now that will alleviate many of the concerns that exist at that location.
However, there is going to have to be internal circulation and public transportation
involved in these what I will term “development nodes.” I do believe you’ll see several
of these development nodes emerge along Broad Street in the years to come along a
transportation route that will come down Broad Street. Within these nodes, you’ll have
internal circulation that will bring people out to catch that main line that would come up
and down Broad Street, be it rubber-wheeled or, as the MPO study suggests, downtown
to Short Pump would be one of the first locations in the future for light rail. I do believe it
has to be a rubber-type solution, the rubber-wheel solution first. That’s beginning to
emerge with the express bus, which is currently under study to come out as far as
Willow Lawn. I think you’ll see that main spine of public transportation use in the future
begin to come down Broad Street.

Mr. Kaechele - Traffic in the first phase of the UMU for Innsbrook was the
issue there as well.
Mr. Emerson - That's correct.

Mr. Kaechele - There were a number of traffic improvements that addressed that concern. That's going to continue to be the case here.

Mr. Emerson - Yes, sir.

Mrs. Jones - I'd like to make a comment along those lines. Of course we have traffic on everything that comes before us as the first concern. The grid that was explained [inaudible] does try to address [inaudible]. Obviously it's a component of that. I just wanted to say something about the comments. I read through the booklet that we were given. Two-thirds of the comments through the e-mail section, as you mentioned, were the fairly similar stock-canned answers from the Innsbrook Owners' Association. Obviously, they are enthused about this. There was a common thread through all of the other comments, and I just thought I should make a comment. Innsbrook has been an award-winning and a really exemplary project for so many years because of the emphasis that was put on the use of the property, not just for business, but for the wonderful recreational and leisure activities that are tied to it. I just want us to keep that first and foremost. I know the vision does, but I just wanted to underscore that because Innsbrook provides just a real gem in that portion of the County. It's a wonderful, wonderful park. I know it has to be competitive for the future, [inaudible] probably needed. But that's the component I don't ever want to lose out there because that's going to make all the difference, I think.

The other thing as far as the press. I've found in my district, certainly in a recent case, that, sure, the press can go ahead and shape opinion. That's why it's important that we get our opinion out and maybe the correct facts. It's always helpful for the public to have accurate information. I think there needs to be a really concerted effort to communicate. Even the outstanding job that was done in noticing this meeting, there were not all that many folks who showed up based on the numbers of notification. So, I think it just means the task is difficult but has to be done to communicate. Neighbors will always judge a project by another project that isn't quite where they want it to be. I've found that to be the case in my district, certainly. That baggage comes along with the current project. However, I do think that the recreational and leisure issues are going to go a long way towards keeping this a quality project.

Mr. Vanarsdall - Thank you, Mrs. Jones.

Mr. Kaechele - Also, I think the results of the written survey show it almost divided in opposition to the case. It's pretty much split. Some say it's a done deal and all that sort of thing. I wonder, have you made any analysis of the opposition, those that are opposed? Are they primarily neighbors in close proximity? I would expect that to be the case.
Mr. Sehl - We have not plotted exactly where the respondents lived. A
number of the respondents work in the study area. We do have a graph in there that
talks about the—this graph here shows the number of attendees who either live or live
and work in the study area. You’ll see that 18 of 55 respondents to the survey didn’t live
or work in the study area. I know we recognized a number of people who weren’t
necessarily residents of the immediate vicinity that commented in opposition.

Mr. Vanarsdall - The graph shows more people live in it than work in it.

Mr. Sehl - I think we probably have to take this and recognize that
people saying they lived in the study area probably meant that they lived in the area
notified by the notification, not necessarily within the study area itself. There is a limited
amount of residential within the study area. I think people took this question to mean do
you live in the area that was notified. You’ll see 21 of the respondents said that they
lived most likely within the study area.

Mr. Kaechele - Can you pull up that other graph that showed the support?

Mr. Sehl - I think given the fact that we sent out 2,400 notices and
received 20 negative responses on the survey, plus——

Mr. Kaechele - Right, yes. Small number, right.

Mr. Vanarsdall - This is a public hearing. Is there anyone in the audience that
would like to come down and speak?

Mr. Emerson - Mr. Vanarsdall, this is a work session.

Mr. Vanarsdall - I mean a public work session.

Mr. Emerson - Right. We normally don’t take comments.

Mr. Vanarsdall - I’m sorry, a public work session. If you’d like to say
something since you’re here, we’d like to have you.

Mr. Sehl - Our intent will be to provide some revisions for both the
additional study area and the potential additions to the Urban Development Area
language in response to recent legislation. We hope to distribute those in advance of
your meeting on June 23, 2010.

What we’re doing at this time, we’re hoping to include the Innsbrook area as an Urban
Development Area in our Comprehensive Plan. That will entail adding Urban
Development Areas, which will impact other areas of the 2026 Plan that was adopted in
August. So, we’re currently evaluating which sections of the plan would need to be
updated and changed to include Innsbrook as an Urban Development Area.
The legislation that was passed by the General Assembly previously, our Comprehensive Plan is certified as meeting the Urban Development Area requirements under current legislation. That was previously for residential units per acre and a .4 FAR for commercial development in an Urban Development Area. We certified that we had enough land that met those criteria with the 2026 Plan. That legislation has changed to require 8 detached dwelling units per acre, 12 townhouses per acre, 24 multi-family dwelling units per acre, and a .8 FAR for commercial development. We have to have areas that are able to capture 10 to 20 years’ worth of growth at those densities. We think that Innsbrook is a good location for that and so we’re creating a UDA here at Innsbrook, as well as what other changes we need to make to, say, Chapter 5, the land use section of the Comp Plan, in order to incorporate UDA’s into our Comp Plan.

Mr. Emerson - We do feel it is necessary to address the UDA legislation that the State has passed, even though it’s certified. This is a good opportunity to introduce one into the plan. Within an area that we’re envisioning a higher density of development that, at least in the regs that are now delayed, it does provide some advantage and discounts, I guess, to the requirements of the stormwater management regulations if you’re designated a UDA. So, what we’re proposing here is that we allow higher density development, and it would make sense to go ahead and apply that designation in order to possibly assist accomplishing what the vision is here.

Mr. Vanarsdall - Anything else?

Mr. Sehl - No, sir. As I said, that would set us up for a potential work session. I don’t know if we want to try to do that now or at the first meeting in June.

Mr. Emerson - Mr. Chairman, we have 3 items the Commission needs to act on. We need some direction as to whether or not you would like us to study the Sadler Road area, the 154.3 acres. We would like for you to consider scheduling another work session to discuss these items, and if you want to consider the Sadler Road area also on June 23, 2010. This would be, of course, with the work session you’ve already scheduled. We’d also ask you to consider setting a public hearing for July 15, 2010, so you can continue to receive public comment on this plan amendment and move it forward if you so see fit. You could wait until June 10th to schedule your potential July 15th public hearing, if you so desired. However, we don’t have the luxury of waiting until June 23rd. Quite honestly, with the amount of time that we need to look at the area surrounding Sadler Road, we need until June 23rd before we could come back to a work session. So in order to stay on schedule, we really need for the Commission to hold a hearing on July 15th and then you could make a decision at that time based on public input and where you feel you are, whether or not you’re ready to make a recommendation onto the Board of Supervisors.

Mr. Vanarsdall - I’d like to know what Mr. Branin and Mr. Kaechele think.

Mr. Kaechele - Can you put that area back up there? There are 150 acres in there?
Mr. Emerson - It's 154.3.

Mr. Kaechele - Okay. To include it in the study area means it is kind of independent of what's already been done.

Mr. Emerson - Correct.

Mr. Kaechele - And the recommendations may be different than what we're doing here.

Mr. Emerson - The recommendation for that area definitely will not be Urban Mixed Use, I can tell you that.

Mr. Kaechele - All right. Studying it I think is prudent.

Mr. Emerson - I believe we can get it together. The only piece that concerns me is that we haven't had a chance to actually—we always hold open houses to try to gain public input. One hundred fifty-four acres aren't small. On July 15, 2010, you would have a public hearing, if you so chose. We can make sure that we mail that area again with the change. If you schedule your public hearing today for July 15, 2010, we can also post that date on our website for people who are watching and monitoring our activities through that venue.

Mr. Branin - Mr. Secretary, I would like to definitely put it into the study now so we can get the study started and do the mailing. If we have opposition that comes out that we're not aware of, I'd like the ability to pull it out of the Innsbrook Study and then have its own public review, the Sadler Road area.

Mr. Emerson - I think you can do that. You can make that decision on the June 23, 2010. We would have to advertise. Because of advertising deadlines with the newspaper, we would have to advertise that boundary, which you could always set it aside and not consider it.

Mr. Branin - We need to keep the eye on the ball, which is the Innsbrook area. We do want to give this serious consideration and give it due diligence, so we need to start that study immediately. If the surrounding residents in that area come out not caring about the actual Innsbrook proper but about this, we do need to separate them out.

Mr. Emerson - Ben, what is the possibility we could be prepared on June 10th to discuss the 154-acre area?

Mr. Vanarsdall - This may be a stupid question, but Sadler Road has been studied as long as I can remember. What else are we going to study?
Mr. Emerson - We're looking at the land use designation and whether or not it's appropriate. We do have quite a bit of information on it, you are correct.

Mr. Sehl - That gives us a good background, the information that we've done on the 2026 update, as Mr. Vanarsdall mentioned. The potential is there. We started looking at some different things to see some possibilities out there.

Mr. Emerson - Could we be ready for a work session on all of this on June 10th?

Mr. Vanarsdall - What do you all think?

Mr. Sehl - If the Sadler Road area was potentially discussed at that, I'd have to—

Mr. Vanarsdall - Mr. Archer, what do you all think about Sadler Road?

Mr. Sehl - —ask staff if they felt comfortable moving the UDA part of it.

Mr. Emerson - I think we would probably need to talk—we have a little more work on the UDA because we do have to amend some other sections of the plan, or we think we may have to in order to accommodate the UDA designation. But we could be ready on June 10, 2010, and I think your agenda would probably accommodate it. If not, possibly we could come in early. Mr. Strauss, what's the June 10th agenda looking like? Three items? We could be prepared on the 10th, I believe, to have a work session on the area surrounding Sadler Road. You could make a decision then to include it or not include it within your advertisement. We know on the 10th, if you want to have your public hearing in July, we still have time to meet our advertising deadlines. So we could delay action on setting the public hearing today. You could schedule a work session on just the Sadler Road area for the 10th, and then you could make your decision regarding whether or not to include that, and go ahead and take action to advertise the amendment as you see fit with or without Sadler Road on the 10th. Then we could come back on the 23rd to finalize any information necessary with you regarding the UDA designation.

Mr. Vanarsdall - What was the third item you started out with?

Mr. Emerson - The third item?

Mr. Vanarsdall - There were 3 things.

Mr. Emerson - There are 3 things. We needed Sadler Road, scheduling a public hearing, and scheduling a work session.

Mr. Kaechele - The public hearing was originally scheduled for July 15, 2010?
Mr. Emerson - July 15th, but—

Mr. Kaechele - That's a special hearing where?

Mr. Emerson - That's your normal Planning Commission meeting. That's not a special meeting; that's just July 15th. We can schedule that on June 10th because we still have time to get advertising in, if you make a decision on June 10th whether or not you want to move forward.

Mr. Branin - Can I start making some motions?

Mr. Vanarsdall - Sure.

Mr. Emerson - I don't know that we'll extend the UDA designation to Sadler Road. We may or may not. That's something we have to discuss. Internally we haven't. From a staff perspective, we haven't discussed that.

Mr. Branin - Mr. Chairman, I'd like to make a motion that the Sadler Road area be put into a study.

Mrs. Jones - Second.

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

Mr. Branin - Mr. Chairman, I'd like to move that we have a work session on June 10, 2010, prior to the Zoning meeting. Should I give out a time for that, 5:30, 6:00?

Mr. Emerson - Five thirty p.m. If you want to get here at 5:30, we can have some food for you.

Mr. Branin - Five thirty. Is everybody good with that? Prior to the normal Zoning meeting on June 10th. At which time we would possibly give the date for a public hearing.

Mr. Vanarsdall - Mr. Secretary, can you get all this in writing and send it to us please?

Mr. Emerson - Yes, sir, absolutely.

Mr. Branin - Can I get a second?

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

Mr. Archer - So the June 10th hearing is a definite and the July 15th is a maybe.

Mr. Jernigan - We're going to decide that on June 10th.

Mr. Emerson - On June 10th, correct. What I have right now is authorization to move forward with the study of the Sadler Road area, bring that back for a work session on June 10, 2010, at 5:30 p.m. At that time, you'll make a decision as to whether or not you will include the Sadler Road area into the amendment process with the Innsbrook Area Study. Also at that meeting, probably at your regular meeting time, you'll consider scheduling a public hearing on July 15, 2010. What I now need is additional action for the continued work session June 23, 2010, which if you don't want to take that action today since you're coming together on June 10, 2010, you could let that wait until then.

Mr. Vanarsdall - All right. Anything else?

Mr. Branin - Do you want to take action that now?

Mr. Jernigan - The Sadler Road area is not going to be part of the UMU.

Mr. Kaechele - No.

Mr. Emerson - It won't be Urban Mixed Use. It may be part of the overall land use amendment as it moves through, but it would not be Urban Mixed Use. It'll be a different designation. In my mind right now, I would tentatively think it would be TND or something along those lines.

Mr. Kaechele - So the original purpose of the July 15th meeting is to study the UMU portion and then we would introduce the adjacent area at that time?

Mr. Emerson - No, sir. The July 15th is a public hearing on the Land Use amendment. That would put us on a schedule for the Board to be able to hold a work session in August and possibly a public hearing in September. That's just for the Innsbrook Area Urban Mixed Use. Now, the way you've scheduled it, we have a work session on June 10th to further discuss the Sadler Road area. That may be something that the Commission may decide not to tag onto this because it may slow down the process.

Mr. Branin - And that's why I want to get it started, to see if it's going to slow it down. If it does, then we have the option of pulling it.
Mr. Emerson - Right. The only outstanding thing, really, as I see it on the Innsbrook Area Urban Mixed Use amendment at this point is explaining to you the UDA designation and the other changes necessary in the 2026 Plan, which we would do on June 23rd.

Mr. Branin - What was the final?

Mr. Emerson - That was it. We have a work session on June 23, 2010, we've requested, but I believe you can address that on June 10th, if you wish, and that's to discuss the UDA. You already have one work session scheduled. You will have to have a work session on June 23rd for the UDA to discuss that, so you're fully aware before you get to a public hearing on the Innsbrook—

Mrs. Jones - I was just going to say, the work session on June 23rd is currently scheduled for the refuse. We now need to add this to it, and I would see no reason—

Mr. Branin - Why we wouldn't do it now.

Mrs. Jones - I so move.

Mr. Branin - And I second.

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

Mr. Emerson - All right. So, we have a work session on June 10, 2010, for the Sadler Road area at 5:30 p.m.; we have authorization to move forward to study the Sadler Road area; and we have a June 23rd work session to continue discussion on the Innsbrook Area Urban Mixed Use and the Urban Development Area—I know this is confusing—and also the refuse collection.

Mrs. Jones - Looking forward possibly to July 15th for Innsbrook and possibly if we include Sadler Road. We'll decide that at the June session.

Mr. Emerson - On June 10th. Yes, ma'am.

Mr. Vanarsdall - I look forward to getting a memo from you about that.

Mr. Emerson - We will get that out to you.

Mr. Branin - Close it. Bang the gavel.

Mr. Vanarsdall - Anything else for the Commission? If not, we are adjourned.

The meeting is adjourned.

May 26, 2010
Mr. Ernest B. Vanarsdall, Chairman

R. Joseph Emerson, Jr., Secretary
PLANS OF DEVELOPMENT

A. Standard Conditions for all POD's:

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. (when the property is served by public utilities)

1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. (when not served by public water)

1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. (when not served by public sewer)

2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least 48 hours prior to the start of any County water or sewer construction.

3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.

4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.

5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.

6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.

7. The plan of development plan shall be revised as annotated on the staff plan dated May 26, 2010, which shall be as much a part of this approval as if details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. (Revised January 2008)

8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.

9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.

Revised May 2008
9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.

10. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced no later than the next planting season.

11. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and approval.

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

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

12. All exterior lighting shall be designed and arranged to direct the light and glare away from nearby residential property and streets.

13. The site, including the parking areas, shall be kept clean of litter and debris on a daily basis. Trash container units/litter receptacles and recycling containers shall be maintained with regular pickups scheduled and shall be screened properly on all four sides. The gate(s) shall remain closed except when the receptacle(s) are being filled or serviced and shall be repaired or replaced as necessary. Details shall be included with the final site plan or required landscape plan for review and approval.

14. Required fire lanes shall be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.

15. Traffic control signs shall be provided as indicated on the Department of Planning Staff plan. All signs shall be fabricated as shown in *The National Manual on Uniform Traffic Control Devices for Streets and Highways* and *The Virginia Supplement to The Manual on Uniform Traffic Control Devices for Streets and Highways*.

16. The assigned property number(s) shall be displayed so it is easily readable from the street. If assistance is needed with the address, please contact the Department of Planning at 501-4284. The Planning Department must assign all property addresses. *(Revised January 2008)*

17. The owner shall have a set of plans approved by the Director of Public Works, Public Utilities and Secretary of the Planning Commission available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.

18. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.

*Revised May 2008*
19. Upon completion of the improvements and prior to the certification of the permanent occupancy permit, the owner shall furnish a statement by the engineer or land surveyor who prepared the POD plan, to the effect that all construction including water and sewer is in conformance to the regulations and requirements of the POD.

20. The approved Plan of Development is granted by the Planning Commission only to the owners(s)/applicant(s) listed on the Plan of Development application on file for this project. Upon written notification to the Director of Planning, the Plan of Development approval may be transferred to subsequent owner(s) subject to approval by this Commission (Revised July 2007).

21. Vehicles shall be parked only in approved and constructed parking spaces.

22. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.

23. The site, including paving, pavement markings, signage, curb and gutter, dumpster screens, walls, fences, lighting and other site improvements shall be properly maintained in good condition at all times. Any necessary repairs shall be made in a timely manner.

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

25. Insurance Services Office (ISO) calculations shall be included on the final construction plans for approval by the Department of Public Utilities prior to issuance of a building permit.

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

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

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

29. (Start of miscellaneous conditions)
STANDARD CONDITIONS FOR LANDSCAPE / LIGHTING / FENCE PLANS

1. The plan shall be revised as shown in red on Staff plan dated May 26, 2010, which shall be as much a part of this approval as if all details were fully described herein. Five (5) sets of prints of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.

2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.

3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.

4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. (DELETE IF NO LANDSCAPING)

5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. (DELETE IF NO LIGHTING)

6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. (DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)
B. In Addition to Item A, the Following Standard Conditions for Approval of All Zero Lot Line Developments shall apply:

29. Roof edge ornamental features that extend over the zero lot line, and which are permitted by Section 24-95(i)(1), must be authorized in the covenants.
30. Eight-foot easements for construction, drainage, and maintenance access for abutting lots shall be provided and shown on the POD plans.
31. Building permit request for individual dwellings shall each include two (2) copies of a layout plan sheet as approved with the plan of development. The developer may utilize alternate building types providing that each may be located within the building footprint shown on the approved plan. Any deviation in building footprint or infrastructure shall require submission and approval of an administrative site plan.
32. Windows on the zero lot line side of the dwelling can only be approved with an exception granted by the Building Official and the Director of Planning during the building permit application process.

C. Standard Conditions for Approval of All Dry Cleaners and Laundries in Addition to Item A:

29. The dry cleaning establishment shall use only non-inflammable cleaning solvents and have fully enclosed cleaning and solvent reclamation processes and fully enclosed pressing equipment with no outside steam exhaust.

D. In addition to Item A, the Following Conditions for Approval of All Shopping Centers Shall Apply:

29. Only retail business establishments permitted in a zone may be located in this center.
30. The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total site area.
31. No merchandise shall be displayed or stored outside of the building(s) or on sidewalk(s).

E. In Addition to Item A, the Following Standard Conditions for Approval of All Multi-Family Shall Apply:

29. The unit house numbers shall be visible from the parking areas and drives.
30. The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional Planning District Commission and such names shall be included on the construction plans prior to their approval. The standard street name signs shall be installed prior to any occupancy permit approval.
F. In addition to Item A, the Following Standard Conditions for Approval of All Service Station Developments Shall Apply:

29. This business shall not remain in operation after midnight and no exterior signs shall remain lighted after (12:00 midnight - B-1) (1:00 o'clock a.m. - B-2) (no limit - B-3).

30. No merchandise shall be displayed outside of the building except that oil racks will be allowed on the pump islands.

31. This service station shall be used only for the sale of petroleum products and automobile accessories and parts. It shall not be used to sell or rent camping trailers, nor as a base of operation for truck fleets or fuel oil delivery or other such use that is not strictly a service station operation.

32. Only light repair work shall be allowed at this station, including motor tune-up, brake, generator, ignition, and exhaust repairs, and wheel balancing. The only work that can be performed outside the building is those services that are normally furnished at the pump island and the changing of tires.

33. No wrecked automobiles, nor automobiles incapable of being operated, shall be kept on the premises.

34. The prospective operator of this station shall come to the Department of Planning and sign the file copy of the special plan of development letter before he signs a lease with the oil company to operate this station.

G. STANDARD CONDITIONS FOR CONVENIENCE STORES WITH FUEL PUMPS IN A B-2 ZONE

29. Bulk storage of fuel shall be underground.

30. There shall be no exterior display of merchandise except on pump islands and on paved walkway areas within three (3) feet of building.

31. Lighting fixtures shall not exceed a height greater than twenty (20) feet.

32. No temporary storage of wrecked or inoperative vehicles or rental of vehicles, trailer campers, vans or similar equipment shall be permitted.

33. Not more than two (2) electronic amusement games shall be permitted.

34. Not more than two (2) vending machines for food and beverage and similar merchandise shall be permitted on the premises outside of an enclosed building.

35. The prospective operator of this facility shall come to the Department of Planning and sign the file copy of the special plan of development letter before he signs a lease with the oil company to operate this station.

36. The landscaping plan shall include details for screening of refuse containers and refuse storage facilities in accordance with Section 24-61(i).

37. Refuse containers or refuse storage facilities shall be serviced during business hours only.

38. The owner or manager on duty shall be responsible for temporarily closing the car wash facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way.

39. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility. (If Car Wash Is Proposed)
H. STANDARD CONDITIONS FOR CONVENIENCE STORES WITH FUEL PUMPS IN A B-3 ZONE

29. Bulk storage of fuel shall be underground.
30. The owner or manager on duty shall be responsible for temporarily closing the car wash facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way. (If Car Wash Is Proposed)
31. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility. (If Car Wash Is Proposed)
1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. (Substitute condition 5A if well)
5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. (Substitute condition 6A if on site sewage disposal/septic)
6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated May 26, 2010, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **May 25, 2011**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.

10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.

11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.

12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.
1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, fifteen (15) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated May 26, 2010, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on May 25, 2011, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.
11. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.
Standard Conditions for Residential Townhouse for Sale (RTH) Subdivisions
(January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated May 26, 2010, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on May 25, 2011, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.
12. A draft of the Declaration of Covenants, Conditions and Restrictions shall be submitted to
the Department of Planning for review, prior to final approval. The proposed Homeowners Association for the project shall be responsible for the exterior maintenance of all buildings and grounds.

13. All block corners shall be monumented and referenced, where possible, to the exterior boundaries of the site.

14. The record plat shall contain a statement that the common area is dedicated to the common use and enjoyment of the homeowners of [name of subdivision] and is not dedicated for use by the general public. This statement shall refer to the applicable article in the covenants recorded with the plat.
Standard Conditions for Zero Lot Line Subdivisions
(January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated May 26, 2010, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on May 25, 2011, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change may be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan
showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers and Chesapeake Bay Act Areas.
SUBDIVISION - CONDITIONAL APPROVAL

Standard Conditions for Conventional Subdivisions Served By Public Utilities
Road Dedication (No Lots) (January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated May 26, 2010, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on May 25, 2011, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.