

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County
2 held in the County Administration Building in the Government Center at Parham and
3 Hungary Springs Roads beginning at 9:00 a.m. Wednesday, November 19, 2014.
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Members Present: Mr. Eric Leabough, C.P.C., Chairman, (Varina)
Mr. Robert H. Witte, Jr., Vice Chairman (Brookland)
Mr. C. W. Archer, C.P.C., (Fairfield)
Mr. Tommy Branin, (Three Chopt)
Mrs. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. David Kaechele,
Board of Supervisors' Representative

Others Present: Ms. Jean Moore, Assistant Director of Planning
Ms. Leslie A. News, PLA, 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, AICP, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Ms. Aimee B. Crady, AICP, County Planner
Ms. Sharon Smidler, Traffic Engineer
Ms. Kim Vann, Division of Police
Ms. Kate B. Teator, Senior Planning Technician/Recording
Secretary

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6 **Mr. David Kaechele, the Board of Supervisors' representative, abstains on all cases**
7 **unless otherwise noted.**

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9 Mr. Leabough - I call this meeting of the Henrico County Planning Commission
10 to order. This is our Subdivisions and Plans of Development meeting for November 19. As
11 you all mute or silence your cell phones, I ask that you rise with the Commission for the
12 Pledge of Allegiance.

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14 Is there anyone from the news media in the audience? If so, please raise your hand to be
15 recognized. I don't believe we have anyone.

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17 We have all members of the Commission present. In addition, I'd like to recognize
18 Mr. Kaechele with the Board of Supervisors who is sitting with us this year. Thank you for
19 being with us this year.

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21 We have a quorum and can conduct business. So next I'd like to turn the agenda over to
22 Mr. Emerson, our secretary.

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Mr. Emerson - Thank you, Mr. Chairman. The first item on your agenda this morning are the requests for deferrals and withdrawals. If there aren't any from the Commission this morning, I believe that we do not have any requests from the community. Is that correct, Ms. News?

Ms. News - Yes sir.

Mr. Emerson - Next item will be your expedited agenda, and that will be presented by Ms. Leslie News.

Ms. News - Good morning, members of the Commission. We have six items on our expedited agenda this morning. The first is found on page 3 of your agenda and located in the Varina district. This is a transfer of approval for POD-102-96, Interport Business Center, formerly Interport Business Center Phase III. Staff recommends approval.

TRANSFER OF APPROVAL

POD-102-96 POD2014-00075 Interport Business Center (Formerly Interport Business Center Phase III) – 5300 S. Laburnum Avenue	John Graham for Interport Holdings, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from ABH Virginia Land Trust and Devon USA, Inc. to Interport Holdings, LLC. The 3.54-acre site is located at the northwest corner of the intersection of S. Laburnum Avenue and Eubank Road, on parcel 816-712-4019. The zoning is M-1, Light Industrial District, and ASO, Airport Safety Overlay District. County water and sewer. (Varina)
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Mr. Leabough - Is there anyone in the audience in opposition to the transfer request for POD-102-96 (POD2014-00075), Interport Business Center (formerly Interport Business Center Phase III)? There is no opposition. So with that I move that the transfer request for POD-102-96 (POD2014-00075), Interport Business Center (formerly Interport Business Center Phase III) be approved.

Mr. Archer - Second.

Mr. Leabough - We have a motion by Mr. Leabough, a 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-102-96 (POD2014-00075), Interport Business Center (formerly Interport Business Center Phase III), from ABH Virginia Land Trust and Devon USA, Inc. to Interport Holdings, LLC, subject to the standard and added conditions previously approved.

59 Ms. News - The next item is on page 4 of your agenda and located in the
60 Brookland district. This is a transfer of approval for POD-079-96 The Center of Wellness,
61 which was formerly the Richmond Athletic Club. Staff recommends approval.
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63 **TRANSFER OF APPROVAL**
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65 66 67 68 69 70 71 72 73	POD-79-96 POD2014-00098 The Center of Wellness (Formerly Richmond Athletic Club) – 4700 Thalbro Street	Stuart Simon Law Firm for Threee Properties, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Kathy Duke to Threee Properties, LLC. The 2.06-acre site is located at the northwest corner of the intersection of Thalbro Street and Maywill Street, on parcel 775-738-8636. The zoning is M-1, Light Industrial District. County water and sewer. (Brookland)
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66 Mr. Leabough - Is there anyone in the audience in opposition to the transfer
67 request for POD-79-96 (POD2014-00098), The Center of Wellness (formerly Richmond
68 Athletic Club)? There is no opposition.
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70 Mr. Witte - Mr. Chairman, I move approval of POD-79-96 (POD2014-
71 00098), The Center of Wellness (formerly Richmond Athletic Club), subject to the
72 previously approved conditions.
73

74 Mr. Branin - Second.
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76 Mr. Leabough - We have a motion by Mr. Witte, a second by Mr. Branin. All in
77 favor say aye. All opposed say no. The ayes have it; the motion passes.
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79 The Planning Commission approved the transfer of approval request for POD-79-96
80 (POD2014-00098), The Center of Wellness (formerly Richmond Athletic Club), from Kathy
81 Duke to Threee Properties, LLC, subject to the standard and added conditions previously
82 approved.
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84 Ms. News - The next item is on page 5 of your agenda and located in the
85 Brookland district. This is a transfer of approval for POD-72-86, BNW Builders Plaza,
86 which was formerly Shiro Retail Center. Staff recommends approval.
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88 **TRANSFER OF APPROVAL**
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90 91 92 93 94 95 96 97 98 99	POD-72-86 POD2014-00307 BNW Builders Plaza (Formerly Shiro Retail Center) – 8601 Staples Mill Road (U.S. Route 33)	Bruce Wiegand for Wiegand Properties, LLC: Request for transfer of approval as required by Chapter 24, Section 24- 106 of the Henrico County Code from Lawrence Bracken, Robert E. Shiro, and Bird Earl E Properties, LC to Wiegand Properties, LLC. The 0.85-acre site is located on the southeast corner of the intersection of Janway Road and Staples Mill Road (U.S. Route 33), on parcel 770-754-6953.
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The zoning is M-1, Light Industrial District. County water and sewer. **(Brookland)**

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Mr. Leabough - Is there anyone in the audience in opposition to the transfer request for POD-72-86 (POD2014-00307), BNW Builders Plaza (formerly Shiro Retail Center)? There is no opposition.

Mr. Witte - Mr. Chairman, I move approval of transfer of approval for POD-72-86 (POD2014-00307), BNW Builders Plaza (formerly Shiro Retail Center), subject to the previously approved conditions.

Mr. Branin - Second.

Mr. Leabough - We have a motion by Mr. Witte, a 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-72-86 (POD2014-00307), BNW Builders Plaza (formerly Shiro Retail Center), from Lawrence Bracken, Robert E. Shiro, and Bird Earl E Properties, LC to Wiegand Properties, LLC, subject to the standard and added conditions previously approved.

Ms. News - Next on page 6 of your agenda and located in the Three Chopt district is a transfer of approval for POD-75-85 and POD-122-89, Vantage Place, Buildings A, B, C, D, and E. Staff recommends approval.

TRANSFER OF APPROVAL

POD-75-85 & POD-122-89 **Troutman Sanders, LLP for Lingerfelt Development, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from The Innsbrook Corporation, Ross-Kreckman, and HRLP, LLC to Lingerfelt Development, LLC. The 13.3-acre site is located along the east line of Cox Road, approximately 1,000 feet south of Village Run Drive, on parcels 750-763-2683, 750-763-4872, 750-763-7063, 750-764-4113, and 750-764-5700. The zoning is O-3C (Conditional), Office District. County water and sewer. **(Three Chopt)**

Mr. Leabough - Is there anyone in the audience in opposition to the transfer request for POD-75-85 and POD-122-89 (POD2014-00198; POD2014-00199; POD2014-00200; POD2014-00201; POD2014-00202), Vantage Place (Buildings A, B, C, D, E)? There is no opposition.

121 Mr. Branin - Mr. Chairman, I'd like to move that POD-75-85 and POD-122-
122 89 (POD2014-00198; POD2014-00199; POD2014-00200; POD2014-00201; POD2014-
123 00202), Vantage Place (Buildings A, B, C, D, E), be approved on the expedited agenda.

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125 Mr. Witte - Second.

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127 Mr. Leabough - We have a motion by Mr. Branin, a second by Mr. Witte. All in
128 favor say aye. All opposed say no. The ayes have it; the motion passes.

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130 The Planning Commission approved the transfer of approval request for POD-75-85 and
131 POD-122-89 (POD2014-00198; POD2014-00199; POD2014-00200; POD2014-00201;
132 POD2014-00202), Vantage Place (Buildings A, B, C, D, E), from The Innsbrook
133 Corporation, Ross-Kreckman, and HRLP, LLC to Lingerfelt Development, LLC, subject to
134 the standard and added conditions previously approved.

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136 Ms. News - Next on page 7 of your agenda and located in the Fairfield
137 district is a transfer of approval for POD-31-76, Wilson & Associates Funeral Service
138 Incorporated, which was formerly the Beautiful Temple Empowerment Center. Staff
139 recommends approval.

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141 **TRANSFER OF APPROVAL**

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POD-31-76
POD2013-00445
Wilson & Associates
Funeral Service, Inc.
(Formerly Beautiful
Temple Empowerment
Center) – 5004 Nine Mile
Road (State Route 33)

Brian Wilson for Wilson & Associates Funeral Service, Inc.: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from East End Resources Group, LLC to Wilson & Associates Funeral Service, Inc. The 0.97-acre site is located on the north line of Nine Mile Road (State Route 33), approximately 200 feet east of Kenway Avenue, on parcel 811-724-7148. The zoning is B-2, Business District and ASO, Airport Safety Overlay District. County water and sewer. **(Fairfield)**

143
144 Mr. Leabough - Is there anyone in the audience in opposition to the transfer
145 request for POD-31-76 (POD2013-00445), Wilson & Associates Funeral Service, Inc.
146 (formerly Beautiful Temple Empowerment Center)? There is no opposition.

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148 Mr. Archer - Mr. Chairman, I therefore move for approval of transfer of
149 approval POD-31-76 (POD2013-00445), Wilson & Associates Funeral Service, Inc.
150 (formerly Beautiful Temple Empowerment Center), subject to the previously accepted
151 conditions and staff recommendation.

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153 Mrs. Jones - Second.

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155 Mr. Leabough - We have a motion by Mr. Archer, a second by Mrs. Jones. All
156 in favor say aye. All opposed say no. The ayes have it; the motion passes.

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The Planning Commission approved the transfer of approval request for POD-31-76 (POD2013-00445), Wilson & Associates Funeral Service, Inc. (formerly Beautiful Temple Empowerment Center), from East End Resources Group, LLC to Wilson & Associates Funeral Service, Inc., subject to the standard and added conditions previously approved.

Ms. News - The final item is on page 8 of your agenda and located in the Brookland district. This is a transfer of approval for POD-147-84 and 11-85, Vistas I and II at REVA Richmond, formerly Vistas at Brookfield Phases I and II. Staff recommends approval.

TRANSFER OF APPROVAL

POD-147-84 and 11-85 POD2014-00120 and POD2014-00124 Vistas I and II at REVA Richmond (Formerly Vistas at Brookfield Phases I and II) – 5516 and 5540 Falmouth Street	Steve Sneed for CB Richard Ellis of Virginia, Inc.: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Lar Don Realty, L.C. to REVA Richmond, LLC. The 4.64-acre site is located on the northeast corner of the intersection of Falmouth Street and Dickens Road, on parcel 770-744- 4322. The zoning is O-2, Office District. County water and sewer. (Brookland)
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Mr. Leabough - Is there anyone in the audience in opposition to the transfer request for POD-147-84 and 11-85 (POD2014-00120 and POD2014-00124), Vistas I and II at REVA Richmond (formerly Vistas at Brookland Phases I and II)? There is no opposition.

Mr. Witte - Mr. Chairman, I move approval of transfer of approval POD-147-84 and 11-85 (POD2014-00120 and POD2014-00124), Vistas I and II at REVA Richmond (formerly Vistas at Brookland Phases I and II), subject to the previously approved conditions.

Mrs. Jones - Second.

Mr. Leabough - We have a motion by Mr. Witte, a 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-147-84 and 11-85 (POD2014-00120 and POD2014-00124), Vistas I and II at REVA Richmond (formerly Vistas at Brookland Phases I and II), from Lar Don Realty, L.C. to REVA Richmond, LLC, subject to the standard and added conditions previously approved.

Ms. News - That completes our expedited agenda.

Mr. Leabough - Thank you, Ms. News.

195 Mr. Emerson - Mr. Chairman, that now takes us to Subdivision Extensions of
196 Conditional Approval, and there are none of those this morning. So we now move into your
197 regular agenda, page 9.

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199 **TRANSFER OF APPROVAL**

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POD-38-03 (Part) **Michael Tillem for Kwan Chan:** Request for transfer of
POD2014-00054 approval as required by Chapter 24, Section 24-106 of the
Retail Shops – Town Henrico County Code from Read F. Goode, Jr., Retlaw 100,
Center at Twin Hickory – BFPD, LLC, and Mayberry Real Estate Holdings, LLC to
11389 Nuckols Road Kwan Chan. The 0.48-acre site is located in an existing
shopping center at the southwest corner of the intersection
of Nuckols Road and Old Nuckols Road, on parcel 746-773-
1351. The zoning is B-2C, Business District (Conditional).
County water and sewer. **(Three Chopt)**

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202 Mr. Leabough - Is there anyone in the audience in opposition to the transfer
203 request for POD-38-03 (Part) (POD2014-00054), Retail Shops – Town Center at Twin
204 Hickory? There is no opposition. Good morning, Mr. Ward.

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206 Mr. Ward - Good morning. The applicant has completed all the site work,
207 including repairing a pothole in the parking lot, planting ten large Emerald Green
208 Arborvitae, adding four planters on the outdoor patio, and adding mulch to all the
209 landscape islands throughout the parking lot that was shown on the originally approved
210 landscape plan.

211

212 This does address all the deficiencies as noted in the staff's inspection reported dated
213 March 3, 2014. The new owner has agreed to and accepts being responsible for continued
214 compliance with the original conditions of the POD. Staff can now recommend approval of
215 this transfer request.

216

217 I'm happy to answer any questions you may have of me.

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219 Mr. Leabough - Are there any questions for Mr. Ward? Mr. Branin, would you
220 like to hear from the applicant?

221

222 Mr. Branin - No, it's not necessary. This would have been on the expedited,
223 but we didn't get our paperwork signed and back in time, so it went to the regular agenda.
224 Mr. Chairman, I'd like to move the transfer of approval for POD-38-03 (Part) (POD2014-
225 00054), Retail Shops – Town Center at Twin Hickory, be approved.

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227 Mr. Witte - Second

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229 Mr. Leabough - We have a motion by Mr. Branin, a second by Mr. Witte. All in
230 favor say aye. All opposed say no. The ayes have it; the motion passes.

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232 The Planning Commission approved the transfer of approval request for POD-38-03 (Part)
233 (POD2014-00054), Retail Shops – Town Center at Twin Hickory, from Read F. Goode, Jr.,
234 Retlaw 100, BFPD, LLC, and Mayberry Real Estate Holdings, LLC to Kwan Chan, subject
235 to the standard and added conditions previously approved.
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238 **LANDSCAPE PLAN**
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POD2014-00324
Lumber Liquidators East
Coast Distribution Center
– 5900 Elko Road (State
Route 156)

Johnson Development for Lumber Liquidators: 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 100.20-acre site is located at the terminus of White Oak Creek Drive and on the south line of Elko Road (State Route 156), approximately 2,850 feet east of the intersection of Elko Road (State Route 156) and Elko Tract Road, on parcel 851-705-5088. The zoning is M-2, General Industrial District. County water and sewer. **(Varina)**

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241 Mr. Emerson - As we move into this Mr. Chairman, I would remind you this is
242 a landscape plan that you're considering. It is not the plan of development, which was
243 approved previously. As we've moved through the process on this over the last several
244 months, there have been many community meetings, with the last one being on Monday
245 evening. Many questions have been answered that are not necessarily in relation to the
246 landscape plan. The plan of development was approved. Many of the questions regarding
247 access, circulation, impacts on the land—all were addressed at the time of the approval of
248 the POD, and that train has left the station, so to speak; those decisions have been made.
249

250 I would note this property was zoned in 1959 and went into effect in 1960 as industrial,
251 and it has been industrial since that time. This is a use by right. There has been activity of
252 an industrial nature on this property of the decades. It was originally held possibly by the
253 federal government, I'm not sure, certainly by the state as an alternate airport location
254 during world wars to draw attention away from the Richmond airport in the event there was
255 some sort of enemy attack. After that it was considered as a relocation for state
256 government. After that it was considered as a location for a state police headquarters and
257 testing track in the '80s. After that it was considered for industrial uses and was on the
258 short list, as I recall, for an automobile manufacturing facility; I believe it was the Mercedes
259 project that ended up either in Mississippi or Alabama.
260

261 After that it became part of the technology effort in the greater Richmond area when
262 Motorola was going to locate in Goochland County. Infineon came to this site. Motorola
263 never materialized. There are soccer fields on the pad site that was prepared for them in
264 West Creek now. At that time, it was envisioned that Richmond would become much like
265 Portland with, as they call it, a silicon forest that was west of Portland. They thought east
266 of Richmond and then other areas surrounding up to Manassas would become a
267 technology base. That did not emerge. During the recession, of course, what was Infineon
268 and had become Quimonda, ceased to exist.

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So the whole—I know there have been a lot of questions in regards to how the property has been marketed and the change in use. But what I want to point out by giving that history is that this property has historically been looked at for higher intensity uses. And it's been that way since prior to the 1959/1960 zoning actions. And it's just a matter of these uses are beginning to emerge. So it really shouldn't be a great surprise to anyone in the area that knows the history of the property that this has occurred. It still belongs to the state. It's in a partnership with the EDA to market, and the County does market it for industrial uses under its by-right zoning.

So with that, unless there are any questions for me, Mr. Garrison will make the presentation.

Mr. Leabough - Thank you for pointing that out, Mr. Emerson. Before you get started, Mr. Garrison, with your presentation, is there anyone in the audience in opposition to the landscape plan for POD2014-00324, Lumber Liquidators East Coast Distribution Center? We have opposition. Mr. Emerson, before Mr. Garrison gets started, would you please read our guidelines for speaking at our public hearing?

Mr. Emerson - Yes sir. Mr. Chairman, as you know, the Commission does have guidelines in the way they conduct their public hearings and they are as follows: The applicant is allowed ten minutes to present the request, and time may be reserved for responses to testimony. Opposition is allowed ten minutes to present its concerns. Commission questions do not count into the time limits. The Commission may waive the time limits for either party at its discretion. And comments must be directly related to the case under consideration, which again in this matter is the landscape plan.

Mr. Leabough - Thank you, sir. Good morning, Mr. Garrison. How are you?

Mr. Garrison - I'm doing well. Good morning.

The applicant is requesting approval of a landscape plan for the recently approved Lumber Liquidators East Coast Distribution Center in the White Oak Technology Park. The revised plan in your addendum provides for additional evergreen plant material between the loading areas and Elko Road, street trees along White Oak Creek Drive and Engineers Way, building foundation and parking lot plantings, and supplemental plantings between the office parking and White Oak Creek Drive, and the fleet parking and Engineers Way.

The plan has been reviewed and approved by the White Oak Technology Park Development and Review Board and also meets all technical requirements for staff to recommend approval. This plan was deferred by the Planning Commission at its October 22, 2014, meeting to address noise concerns raised at that meeting. As mentioned previously, a community meeting was held on Monday, November 17th, for the applicant to discuss operational procedures and noise mitigation measures.

314 Should the Commission act on this request, the standard conditions for landscape plans
315 are recommended. Staff and representatives of the applicant, Andy Condlin, are available
316 to answer any questions that you may have.

317
318 Mr. Leabough - I would like to ask the question again, which was asked earlier,
319 is there anyone from the news media present? I believe we do have Ms. Ashley Monfort
320 from Channel 12. Thank you for being here.

321
322 Are there questions for Mr. Garrison from the Commission? There being none, would the
323 applicant please come forward?

324
325 Mr. Condlin - Good morning, Mr. Chairman, members of the Commission.
326 Andy Condlin from Roth Doner here on behalf of Lumber Liquidators. Thank you for having
327 us. We have a whole host of folks from Johnson Development and Lumber Liquidators
328 here as well to assist in the presentation and answer any questions that you may have.

329
330 First I wanted to cover a little bit about the—stress the fact that this is M-2 zoned property,
331 purchased from the County of Henrico with approximately 150 initially and up to 300
332 employees expected at this facility. Lumber Liquidators is very proud to be able to bring
333 this to Henrico County and bring before you—the POD, as Mr. Emerson has already
334 stressed has already been approved and we're dealing with the landscaping.

335
336 A couple of questions have arisen throughout the process that I found interesting that I
337 know in the last hearing there were concerns about traffic as well as noise and whether
338 those were responded to and helped with—reviewed with respect to the design of this
339 operations and the building itself. I do want to point out a couple of things with respect to
340 the connection, which I anticipate you hearing some concerns about truck traffic. All of our
341 design for this building has been associated with trying to pull all the traffic away from Elko
342 Road to Technology Boulevard, as well as place as much of the operations on the south
343 side of the building away from the neighborhood and Elko Road. For example, the main
344 entrance where all trucks are—from an operational standpoint—required to come into for
345 dealing with Lumber Liquidators is the southernmost entrance where the scales and the
346 staging and the metering is.

347
348 Seventy percent of all the parking associated with this facility is on this side of the building.
349 For example, the small parcel pickup as well as the truck lounge, and where the overnight
350 parking of the trucks is on this side of the building. Again, the entire design is designed for
351 alleviating the concerns and impacts of the neighbors as much as possible. On this side
352 as the trucks go around—and there are bay doors on this side. There is actually a gate
353 that prevents other than for emergency purposes trucks leaving, so they have to come out
354 this way. So those are some of the design and operational features that we've looked at
355 in order to try to alleviate some of those concerns.

356
357 In addition to that with respect with the landscaping, we have had a number of what we
358 felt was at the last meeting, meeting the landscape plan and landscape requirements from

359 the Henrico County code as well as the requirements of the restrictive covenants of the
360 White Oak Park.

361
362 I did want to point in addition to the variations of species of trees that we planted, as well
363 as the distance that we have with respect to from Elko Road over to where the initial
364 parking is, there's only 300 feet. We have a number of plantings, as you can see, both
365 along Elko Road, at this edge of the existing vegetation, as well as in front of the parking
366 itself in different layers. One of the things that we've tried to show to the neighbors - I
367 wanted you to at least have the benefit of is - we've shown existing conditions today. Part
368 of that included talking a lot of the evergreen trees out for the improvements that were
369 required along Elko Road and putting in these plantings here that are accommodating the
370 future widening of Elko Road. Then as you look at the berm area, you can see the planting
371 that will be hiding—and that's if you're on the other side of the vegetation looking over the
372 berm and the retention pond.

373
374 Finally, I did want to show you some of the various materials that since the last meeting
375 we put in blue—in the blue cloud those plantings that we had proposed that we felt met
376 the requirements of the landscape code requirements. But we've also added a number of
377 trees—forty-eight additional trees on this side of the property, have moved them over,
378 specially designed for accommodating concerns related to visual and noise issues. We do
379 believe that that landscaping and the trees that were provided for have the best impact—
380 the best effect on the impact of noise from this area. So we feel like that's going to take
381 care of anything more than certainly a fence would or at this point a berm by having to
382 clear that entire existing vegetation. By taking advantage of the existing vegetation and
383 then supplementing with what we have today and what we're proposing today I think would
384 be a much greater advantage for everyone.

385
386 With that we believe we've met all jurisdictional prerequisites for the landscape plan. We
387 would ask that you go ahead and approve that this morning. We'll be happy to answer any
388 questions. As I say, I've got a number of folks from the operational standpoint as well as
389 Timmons for landscaping and Johnson Development from the construction standpoint.

390
391 Mr. Leabough - Are there questions for Mr. Condlin? I have one question,
392 Mr. Condlin. This is one of the things that was raised previously at the last Commission
393 meeting relating to noise. You may have mentioned some of this, and I was reading
394 through the reports and following your presentation. Can you speak to some of the
395 operational things that you all plan to do to address the noise concerns in addition to the
396 landscaping?

397
398 Mr. Condlin - Sure. From an operation's standpoint, the main entrance for all
399 truck traffic which again—unfortunately during the construction and even now when people
400 put in this address for the GPS it brings them down Elko Road. So the first time someone
401 visits, that's where it brings them. And so they've been working through that. And from an
402 operation's standpoint, the instructions for the drivers are to come down Technology
403 Boulevard and they hit the southernmost entrance.

404

405 Everything as far as the activity goes, most of the activity that creates noise has been
406 designed as much as possible to occur on the south side of that building. On the north
407 side, while we do have bay doors, the lights that are parking lot lights, for example, have
408 been designed so that they're not shining out or are pushed down as much as possible.
409 The bay doors do have safety lights for red and green, and we do feel based on the height
410 of the plantings and the type of trees that we put in we'll be able to shield that as well with
411 landscaping. But certainly from the standpoint of the drivers' lounge, the overnight parking,
412 as well as I said 70 percent of the parking is on the south side of the building. And the
413 small parcel pickup is over here. Those are some of the things that we've done from a
414 design standpoint and from an operation's standpoint to try to push as much noise as
415 possible to the opposite side of the building from where the community is.

416
417 Mr. Leabough - If there are noise concerns, Mr. Condlin, are you all willing to
418 provide a contact number for the residents so you can address those issues as they arise?
419

420 Mr. Condlin - Absolutely. At the meeting on Monday, we got a number of
421 names for some folks. Lumber Liquidators is going to have someone that they're going to
422 be able to have a contact with, be able to talk with, so that once the plantings go in if
423 there's an operational standpoint where we can adjust some things, and then we're going
424 to do what we can to do that. I got the names initially. We're going to make sure we get
425 the right person set up once the operations start at that facility to be able to respond to the
426 neighbors and be able to help alleviate any concerns that they have to the extent that we
427 can.

428
429 Mr. Leabough - Okay. Thank you, sir. Are there other questions? If not, would
430 the opposition place come—do you have a question, Mrs. Jones? Would the opposition
431 please come forward? And please keep in mind the guidelines that Mr. Emerson read
432 earlier.
433

434 Mr. Barker - Good day. My name is Sid Barker. I live directly across from
435 Lumber Liquidators. I was asked earlier what did I think about them as neighbors by the
436 media crew. I told them I couldn't pass judgment because I don't know them. They've
437 covered my house three times in ash. They've kept my kids up at three o'clock in the
438 morning when they were laying concrete. There are a lot of noise factors in this. And I do
439 have one picture that I would like to show you, if I can present it to you. That's one time
440 when the ash was coming over on my property. It covered everything. Everything from my
441 kids' toys to everything.
442

443 Something needs to be done. I don't know the answer, I really don't. I'm just a concerned
444 citizen for Henrico County that is across the street. You can't even see it on that. That
445 doesn't even justify it. Yes, you need to pass that down. I'm a nervous wreck; I'm sorry.
446

447 I would like to say that Henrico County police officers and the fire department did their job.
448 They actually came out, took care of the situation. It took a little bit longer than what I
449 expected, but they did do a great job.
450

451 The noise. When it comes across the road, it interferes with my family, everyone else on
452 that side of the road. Something needs to be done. I don't think trees are going to do it
453 because trees were up with the burning was going on. So something needs to be done. I
454 think it needs a wall, a berm. If you look at other places in Eastern Henrico where they
455 have a warehouse type situation, they have berms, they have walls, and it works for the
456 community. Trees are nice, but they don't absorb the sound enough. Something needs to
457 be done. And that's all I need to say. Thank you.

458

459 Mr. Archer - Mr. Barker, before you go. The ash—is this ash on your
460 vehicle?

461

462 Mr. Barker - Yes sir. That's one of my white trucks, yes.

463

464 Mr. Archer - Was that from burning?

465

466 Mr. Barker - That was from burning. And that's right across the street, yes
467 sir.

468

469 Mr. Archer - Okay. So is that part of the operation over as far as you know?

470

471 Mr. Barker - No, it's not. But since day one, I mean there were trees, and it
472 came through then just by the ash. I know it went up and came down. But the noise is
473 going to be coming through there. I mean at three o'clock in the morning, sir. My kids are
474 trying to go to school. My kids are being woken up by their trucks. And it's been on several
475 occasions I've had to call the law. And I've had to—they stop at eleven o'clock now. But
476 this is a twenty-four operation. It goes twenty-four hours, seven days a week. I mean, this
477 is going to be going on two, three, four o'clock. There are ninety bay doors—ninety bay
478 doors facing my house.

479

480 And then, if you'll pull up the last picture they had of the layout. The one on the end is a
481 ramp that goes up into the building. So I don't know what they're going to be putting up in
482 that. They say that the beeps are not going to be on the tractor-trailers. I agree with that; I
483 figured that out. What I don't understand is the forklifts have beeps. The building is not air
484 conditioned, so the doors are going to be open. All that noise is going to be coming just
485 right across the street.

486

487 I have concerns for all my friends and family on that road. A wall or a berm is the easiest
488 solution. I know it's going to be costly, and I get that, but we didn't create this problem.
489 Lumber Liquidators did. If Lumber Liquidators isn't responsible for it, then Henrico County
490 should be responsible for it because they allowed it. This zoning was done sixty years ago.
491 They didn't expect this kind of a building to come in to our location.

492

493 I'm not against the business being there at all. We need businesses. Henrico County has
494 suffered. But you also have to look at the impact that it has on Henrico County citizens.
495 And this has an impact. The poor lady at the end where the street is, where it tees in, they
496 got that road coming right out into her front yard. She won't even be able to keep her

497 windows open. She won't—well I can't even keep my windows open. But she'll have to
498 keep her blinds down because the lights will be going in her house all night long. All they
499 had to do is move the road over twenty feet. There's a Henrico County well right there that
500 has trees and stuff around it. Let it shine on that, not the lady's house. I mean, common
501 sense. Don't use your book sense, use your common sense.

502
503 I'm done. Thank you.

504
505 Mr. Leabough - Thank you.

506
507 Mr. Davis - I'm Mark Davis. I live at 6425 Elko Road, and I'm resident along
508 Elko Road a little further down than where Sid lives. I understand this meeting is about
509 landscape approval, and I understand that Lumber Liquidators has complied with the
510 regulations and has agreed to do above and beyond that. And I appreciate their effort in
511 those regards.

512
513 As my neighbor alluded to, there are some bad feelings over things that happened during
514 the construction phase. Whether that will continue during the operational phase, we'll have
515 to wait to see.

516
517 My basic comment is this has cost Lumber Liquidators, the county, and the residents
518 probably hundreds of man hours. I don't know what the actual dollar figure has been to
519 the county or to Lumber Liquidators. And as Sid alluded to, this industrial park was created
520 in the '60s. I think since then planning has come a long way in how we should
521 accommodate the needs of business and the needs of adjoining property owners. And I
522 think that this should bring to light that this has been costly affair for everybody involved
523 and could have been avoided if maybe the county, the economic board, and businesses
524 entities, and the residents reviewed industrial plans like this for whether or not additional
525 setbacks or additional planning requirements for vegetation or other things to mitigate the
526 impact of business on residents.

527
528 I'm sure when this was zoned in 1960, probably 90 or 100 percent of the residents were
529 agricultural. Probably cows wouldn't come to the meeting and complain. But it's not that
530 way anymore. There are a lot of residents. And if you look at the master plan for the
531 County, it's intended for a lot of that farmland to become high-density housing like the
532 West End is. So I'm not so sure that the County wants to continue this process of an
533 industrial park that may—in this case we don't know yet because Lumber Liquidators
534 hasn't become fully operational whether their planning measures, their operational
535 measures will mitigate the impact to the community. But we certainly don't want to
536 propagate this down Elko Road. You've already seen the opposition from just twenty
537 landowners. Imagine if we were a high-density-zoned area. A lot more time would be
538 spent, when it would be better spent planning for better development with better ideas of
539 how to minimize the impact.

540
541 I would like to thank Eric for his help, and Greg, and the Planning group for the numerous
542 questions I have pestered them with over the last two months. They have been very helpful

543 in explaining the process. And I understand the regulatory constraints of what the Planning
544 Commission operates under. Even though we as residents would like to have seen other
545 options done, I do understand that Lumber Liquidators has complied, or exceeded in some
546 cases, with the requirement of the law. But I do think it's an opportunity to pause and reflect
547 that we may should look at this project and other projects within the County that may have
548 uses intended that were approved many years ago before planning has become what it is
549 today.

550

551 I appreciate your time and your efforts.

552

553 Mr. Leabough - Thank you. Is there anyone else who would like to speak in
554 opposition?

555

556 Mr. Eberhard - Yes. My name is Mike Eberhard, and I live on Elko Road a little
557 bit further down than where this facility is. I know we're supposed to be just talking about
558 landscaping, and most of my speaking will be considering that. But one of my questions—
559 and I don't understand how a lumber warehouse can be built in a technology facility—in
560 an area that's supposed to be for technology. I don't see where storing lumber has
561 anything to do with technology. I've never had that answer given to me yet, but maybe I'll
562 never get that answer.

563

564 In the plan for the landscaping, they've added I don't know how many loblolly pines. I don't
565 know how many they added. I tried to look at it, and it looked to be about twenty. I live on
566 a farm, and loblolly pines grow to a height of probably thirty to forty feet. Their vegetation
567 is all the way at the top of the tree after they mature. So they will not give any direct sound
568 barrier in the lower part of the tree. All of the evergreen is about—when they get fully
569 grow—about forty feet and further up. I'd like to see some smaller, shorter trees put in
570 there along with the loblolly pines to absorb the sound at the lower level, if that's possible.

571

572 I would really like to see a wall put up there like Sid and Mark expressed a few minutes
573 ago. They put these walls up around the interstates. I was going down 295 the other day
574 where they had them. I was on the other side of the James River over there on 295 toward
575 Prince George area. They had what looked to be about a twenty-foot concrete wall. There
576 were steel pilings driven in the ground, and these walls were put up in between the steel
577 pilings. And this wall ran for probably a quarter of a mile on the left-hand side of 295. This
578 was to protect the people that lived on the other side, that have their homes there. Why
579 couldn't something like this be installed? And I know it's costly, but if it could just be
580 installed in phases it would help.

581

582 Again, when they're running their business at nighttime—I know they have something like
583 ninety doors on each side of that building—is there a condition where they could use the
584 opposite side of the building from say seven o'clock at night until seven o'clock in the
585 morning and not use the side of the building on the Elko Road? I don't know whether that's
586 a possibility. I mean I know they built the facility to take the trucks on both sides. But in the
587 concern of the community to try to keep the noise down, if they could use the opposite

588 side of the building in the hours where people are trying to sleep and get their rest so they'll
589 be able to go to work the next morning.

590
591 That's about all I had. Noise is going to be a factor. Lighting is going to be a factor. These
592 tractor-trailers bumping up to these doors on the side toward Elko Road with their lights
593 flashing, with the dock locks when you back up to it—it goes from green to red. And then
594 the noise on the side toward Elko Road. If we could get some lower-level trees along with
595 the loblolly to break that area in between the height of the loblolly trees and on the lower
596 level too I think would help.

597
598 Thank you.

599
600 Mr. Leabough - Thank you. I'd like to ask the applicant back up to address
601 some of the concerns raised by the citizens. In particular, I'd like you to address—and I
602 don't know if it's you, Mr. Condlin, or your engineer—the issue regarding a wall or berm.
603 That came up during the initial discussions around this project. I know that staff considered
604 a wall; we considered a berm. But if you could speak to some of the concerns as it relates
605 to installing one or the other.

606
607 Mr. Condlin - Sure. Absolutely. With respect to the—of course both the wall
608 and the berm were addressed at the time of plan of development with the idea being that
609 the existing landscaping and vegetation would create a better buffer and more effective
610 buffer with supplements as we talked about. One of the things—to be able to put a berm
611 in here, we would have to clear all this vegetation. You can see as it thins out, the narrower
612 area here would certainly be a less effective berm and it couldn't get up in height. This is
613 probably the worse time with fall, having lost probably 80 percent of their leaves at this
614 point, particularly with—I believe I have an exhibit that shows the fiber optic line that had
615 to be relocated—I referenced that before. It took out a lot of the evergreen in this area
616 along Elko Road. We're going to be trying to put a lot of that back in this area.

617
618 We feel like with a fence, also having to clear the area, and maintaining a fence - and I
619 think the staff would agree as well that a fence certainly is not as effective as existing
620 landscaping as we've supplemented it. It could actually increase the noise as it
621 reverberates from both sides of the property depending on where you put it in. We felt
622 like—and it was addressed at the time of POD. The staff I think agreed with us at the time
623 of POD that we wanted to keep that existing landscaping. It would be much more effective.

624
625 As an example, when we talk about the loblolly pine, we have a number of wax myrtles
626 that are up front. From what little I've been told, and as I understand, a loblolly pine, when
627 they're growing those for purposes of lumber, they tend to be planted close together. And
628 as we've got them and designed them with the other types of trees that we have in there,
629 you can see how it's down low as well. And that is going to be able to provide a lot of that
630 coverage down low that they're concerned about, but also with the other wax myrtles and
631 the other types of trees that we've got in there. But the way they're specially placed and
632 the way that they're planted—or to be planted was to be able to have an effective buffer. I

633 think much more effective than a fence. It absorbs sound. And certainly much more
634 effective than a berm where we have to clear the existing vegetation.

635

636 Mr. Leabough - All right. One other question for you. I think it was Mr. Eberhard
637 that mentioned operational controls, maybe doing more work on the opposite side of the
638 building during later hours as opposed to the bulk of the work going on on the Elko side
639 after say ten o'clock or nine o'clock. I don't know what the time would be. But during later
640 hours making sure that most of the work is going on on that 70 percent side.

641

642 Mr. Condlin - Right, right. Certainly this is M-2 zoned property and it's
643 unconditional. We did design the building to pull it away as far as we could from that
644 standpoint. And as we've shown in that exhibit, we've got over 300 feet from just the road
645 over to where the loading area is at this point. We think this is an effective buffer for that
646 purpose. I cannot commit for Lumber Liquidators to not operate—

647

648 Mr. Leabough - No, I'm just asking that you consider it.

649

650 Mr. Condlin - We've definitely considered it. And certainly once they start
651 operations, being able to the extent that they are not busy to be able to have the operations
652 on the south side, on the opposite site. And that actually makes sense from an operational
653 standpoint as the trucks are coming in be able to use this area first because that's where
654 the gate is. From an operational standpoint, most of the activity is designed to be here.
655 This is where the activity is, the trucks are pulling in over here, so that's more efficient from
656 that standpoint. So certainly they're going to be taking a look at that, and trying to
657 encourage, and trying to have that operational standpoint to be put in there.

658

659 I'd like to also comment on the burn. That was a construction issue, and we understand
660 that. We did have a permit, legally allowed to from the clearing of the land. When the
661 complaints started happening, they moved the burn area from where it was located over
662 farther away. When it was causing problems, they actually stopped burning. They still had
663 the right to it, but they stopped voluntarily and started grinding and hauling the wood debris
664 that was coming off of there. Pretty not unsubstantial cost for them to help accommodate.
665 Now we certainly know that was a problem, and we're sorry for that. We tried to alleviate
666 that, and cure that as best we could, and then stopped it altogether. So I just wanted to
667 address that fact. It's not like it was something that was illegal at that point.

668

669 Mr. Leabough - So you do not plan on continuing—

670

671 Mr. Condlin - No. There is no burning on the site. This is a warehouse, and
672 it's a distribution facility. That was certainly only at construction phase, and it was stopped
673 voluntarily once we saw the impact it was having.

674

675 Mr. Leabough - Other questions for Mr. Condlin?

676

677 Mr. Branin - Mr. Chairman, can I make a couple of comments and ask
678 Mr. Condlin something?

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Mr. Leabough - Yes, please.

Mr. Branin - Mr. Condlin, as you know, and I'm sure the neighbors are aware, the proffered—the landscape plan that you are submitting locks you in for those trees. If those trees die, you have to replace those trees and so forth.

Mr. Condlin - Absolutely, yes.

Mr. Branin - You guys know that, right? My question to you is—we're all shooting in the dark here. You can't stand here and tell me what the operation is really going truly be like and what the true impact is going to be on the neighborhood, and how many trucks' lights are going to be coming into houses, and so forth. We can put it on paper. We can visualize it. But we can't really know until it's truly going. I would hope as a good neighbor—and I'm looking for a commitment today, if possible—if we see that some more landscaping has to go in—some Leyland cypresses, some more pines, some more cedar, something—to help buffer more, because we're going to come off of winter. They'll start operations. We'll go into spring. By the planting season next fall, we should know. So I would hope as a good neighbor that you could give us that commitment that if additional plantings have to go in, you guys would be comfortable with that.

Mr. Condlin - Yes. Well actually, that was addressed at the neighborhood meeting. I think a couple of things. One is that Lumber Liquidators has already proven—while I know there were problems with the burn, immediately they stopped burning. That's one example where things—and we have our experience. We collectively, the County and from the landscape architects had their experience to know how things are, and they tried to accommodate that. But as you said, we can't absolutely guarantee that nothing is going to come there from a noise standpoint, from a visual standpoint. We can do the best we can. We've already talked to the folks that are going to be installing the landscaping, have signed in addition to the contract. They're the ones that are going to be maintaining all of that landscaping. So they're on the hook to do the replacement, Lumbar Liquidators. And that was an additional cost to Lumber Liquidators up front to make sure that they're the ones for maintaining and making sure this all remains healthy.

Also at the neighborhood meeting, we specifically committed not just beyond the landscaping, but also to communicate and talk about our operations. When you asked about moving things from the north side to the south side, if there are noises that are too much that we can make changes to, we're going to take a look at that and have that line of communication. I think that's been the biggest problem is bridging that communication gap.

Mr. Branin - And I'm aware of the conversation at the community meeting, but I just wanted it on record here today.

Mr. Condlin - Absolutely.

725 Mr. Witte - Mr. Condlin?
726
727 Mr. Condlin - Yes sir.
728
729 Mr. Witte - That was all real nice, but that wasn't a commitment.
730
731 Mr. Branin - He did.
732
733 Mr. Witte - Are you satisfied with that? I would think that a checkerboard
734 or zigzag Leyland cypress through the existing vegetation, which would grow fifteen to
735 twenty feet tall over time, would create a sound barrier and a visual barrier without doing
736 too much damage to the existing vegetation. That would supplement the loblolly pines.
737
738 Mr. Branin - And we're about three weeks past—
739
740 Mr. Witte - I know.
741
742 Mr. Branin - —planting time. So that's why I was trying to get him to commit
743 to the supplement in the early fall next year.
744
745 Mr. Condlin - Well I can—I'll rely on—Timmons has done this thousands of
746 times, and they have great folks here. And it's not just loblolly pines. I don't want to mislead.
747 We have everything that's on the screen right now. They went out there with staff to figure
748 out what was the most effective. That was from the last hearing. And since that time, we've
749 actually supplemented it and had the commitment that they—trying to work with the
750 neighbors. We've added forty-eight additional trees in this area that go above and beyond
751 what the code requires and the restrictive covenants require. So they are trying to
752 accommodate, and we're willing to go back and look at that.
753
754 Mr. Branin - I just want to get it on public record. So thank you for that,
755 Mr. Condlin. And to you all this—and I can tell you because I received, Mr. Leabough,
756 what, three, four calls usually at about 8:30 or 9:00 at night when you guys finished your
757 meetings. And you'd say listen, this is what's going on. Do you have any tricks up your
758 sleeve that we can look at? And I'd say what about this? And he'd say it's already by right.
759 When we have a case that even though it was zoned back in the '60s, that zoning—you
760 all have to understand—carries with it that property until it's rezoned. So where if this was
761 A-1 to start with, we came in and we were going to rezone it, we can build in a lot more—
762 legally build in a lot more, request more protections and so forth. I know Mr. Leabough has
763 been banging his head up against the wall and calling me saying what tricks do you have
764 that we could try to make this. And we both have been trying to figure out how to
765 supplement what we can do. But because of that by right, it ties our hands greatly in where
766 we can go with it.
767
768 I wanted you all to know. As I told you, when you told me about some plantings, I said I've
769 never seen that even in the ten years I've been on the Commission. We understand the
770 predicament. With the supplemental that they have committed to, I think that may help.

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Mr. Leabough - All right. Are there other questions for Mr. Condlin?

Mr. Condlin - With that I would just make the last statement that we would really like to get this approved today in order to get started as soon as possible with the landscaping so that it will be in conjunction with the operation. And we do meet all the requirements of the Henrico County code for approval today, and we ask that you approve this at this time. Thank you.

Mr. Leabough - Thank you. Let me just start by saying this. I'm going to go ahead and close the public comment period. There were a lot of operational things that were brought up during community meetings, during the public hearings. And let me just be clear that we are a body that is appointed to approve subdivisions, plans of development. And we are an advisor, we make recommendations to the Board of Supervisors as it relates to zoning cases and provisional use permits. We are not an enforcement body. A lot of the issues that were raised were in enforcement related. What we have done—staff and I have done is recommended those complaints to the appropriate departments, bodies, agencies, etc. so I just want to be clear that I appreciate you all sharing the concerns with me. I'm willing to do whatever I can to get it to the right group. I'm just not the right person to handle it from the position that I'm in.

I'd also like to acknowledge that there have been a number of reports from the community of operational concerns from Lumber Liquidators. I'm just—it's befuddling that an operation of that size would have the number of operational issues that have come up, but I do thank you for addressing those issues to the best that you can when they have arisen.

Again, as Mr. Emerson alluded to, this is an approval or a denial of a landscape plan. All the other concerns are not a part of the request today. The site, as Mr. Branin pointed out, has been zoned industrial since the '60s—actually 1959. So it is a use that is allowed by right. It is not a rezoning. We had a similar rezoning case where a development wanted to store materials outside. That project had conditions where the developer proffered not to store items outside. So as a compromise to storing items outside in that development, which is outside of this park, we negotiated and worked with the developer, and they offered to build a berm—not a twenty-foot berm as has been mentioned. I don't think it's above eight feet. So it's not a twenty-foot berm. They are planning that berm, but again, that was a rezoning case; this is a landscaping plan that we're considering today.

Also, staff pulled some information. Out of the thirty-eight properties that are along the tech park, only six of those properties were built before the zoning was in place. Just an interesting fact.

So this is what I asked Lumber Liquidators. To the extent that you can, focus your first phase of planting along the Elko side where the residents are most impacted. So that way if a frost or something stops the planting process, at least you've done as much as you can to protect the residents as soon as possible. Again, I know that a contact number was provided, and we asked that at the earlier meetings during the POD approval process. I've

817 heard from Mr. Davis that he's called that number several times and not been able to reach
818 someone. I'd hope that you all would look into that matter and make sure that he has a
819 contact number where he can contact someone or anyone else in that area or in the Varina
820 district to raise concerns as it relates to your operation.

821
822 If you can install signage to instruct truckers not to use Elko Road, we'd ask that. I know
823 that when we looked at the POD, you all did some sort of curb modification or improvement
824 that will prevent trucks from exiting or making a right turn to go to Elko Road from your
825 site. So we appreciate that. But it's more than just installing those types of measures; it's
826 also communicating and making sure that folks know up front that they cannot go on Elko
827 Road. Now there will be other trucks from other operations that may do that, but we hope
828 that your trucks will not.

829
830 I know this was mentioned earlier. Technical requirements, you're meeting the technical
831 requirements of the code, and you're exceeding them. So thank you for doing that. But I
832 just want to go on record as noting that that is the minimum, the floor, of what you have to
833 do to receive approval. And I don't think any of us when we were in school ever—we didn't
834 strive to get a *D*. So I'd asked that in future cases that we'd also hope to exceed, far exceed
835 the minimum requirements of the code.

836
837 And last but not least, I'd like to thank the residents. I know it's been a long process, but I
838 applaud anyone that can take the time out of their busy schedule to be involved in their
839 community and to take pride in the district in which they live.

840
841 So with that, I have no other choice but to move that the landscape plan for POD2014-
842 00324, Lumber Liquidators East Coast Distribution Center, be approved subject to
843 standard conditions for landscape plans.

844
845 Mr. Branin - Second.

846
847 Mr. Leabough - We have a motion by Mr. Leabough, a second by Mr. Branin.
848 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

849
850 The Planning Commission approved the landscape plan for POD2014-00324, Lumber
851 Liquidators East Coast Distribution Center, subject to the standard conditions attached to
852 these minutes for landscape plans.

853
854 Mr. Emerson - We now move to page 11 of your regular agenda, page 1 of
855 your amended agenda. Are we considering, Ms. Goggin, phase one?

856
857 Ms. Goggin - It's the whole plan.

858
859 Mr. Emerson - We do have the whole plan. Okay, thank you very much.

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PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2014-00365
Eastgate Town Center –
4869 Nine Mile Road
(State Route 33) (POD-
64-73 Rev.)

Balzer and Associates, Inc. for Chiocca-Talley Malls, Inc., Bromont Group, and Ample Storage Laburnum Avenue: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to redevelop and construct a single 288,276 square foot phase of a regional shopping center. This phase contains a one-story 189,541 square foot retail building (Walmart) with garden and tire centers, a one-story 76,047 square foot retail building, a one-story 16,134 square foot retail building, a one-story 6,554 square foot retail building, and a free-standing ATM. The 31.41-acre site is part of a 44.056-acre shopping center, and is located on the south line of Nine Mile Road (State Route 33) and the north line of Colwyck Drive, approximately 750 feet east of its intersection with South Laburnum Avenue, on parcels 812-723-1692 and part of 811-723-1052. The zoning is B-3C, Business District (Conditional), M-1C, Light Industrial District (Conditional), and ASO, Airport Safety Overlay District. County water and sewer. **(Fairfield)**

865

866 Mr. Leabough - Is there anyone in the audience in opposition to POD2014-
867 00365, Eastgate Town Center? There's no opposition. Good morning, Ms. Goggin.

868

869 Ms. Goggin - Good morning. This is the plan of development and lighting
870 plan for the proposed redevelopment of Eastgate Town Center. The name may be
871 somewhat familiar because the same site was developed as Eastgate Mall in the early
872 1970s and then renamed Fairfield Commons in the '90s.

873

874 To facilitate the redevelopment of approximately thirty acres, the developer, Bromont
875 Development, held community meetings and requested and received rezoning approval
876 with proffers to permit a 24-hour Walmart and retail/restaurant buildings to complete the
877 shopping center. To clarify, the Walmart is the only 24-hour use permitted on the parcel,
878 whereas other users desiring twenty-four hours will need to return to the Planning
879 Commission and the Board of Supervisors for provisional use permits.

880

881 At the time of the preparation date of this agenda, Public Works, Engineering Division, and
882 the Division of Police couldn't recommend approval of the plan. Since then, Public Works
883 can now recommend approval, whereas the Division of Police still has concerns pertaining
884 to the development. Staff has spoken with the engineer and the developer, and they have
885 agreed to continue to work with police to continue to address their concerns through
886 construction plan review process. Mr. Josh Rector from Bromont Development is here to
887 verify his commitment.

888

889 The developer and the adjacent property owner have entered into a contract for the
890 redevelopment. The adjacent property owner, Mr. Lampe, would like the relocation of
891 some landscape islands—right here—to create a drive aisle on the western side of the
892 parking lot to facilitate a drive aisle. This will be coordinated during construction plan
893 review. Mr. Lampe has also requested that these parking spaces are removed so traffic
894 will flow through this area instead of parking.

895

896 The revised plan in front of you today has many high-quality development features that we
897 encourage throughout the County. The layout provides sidewalk along Nine Mile Road,
898 along the entire center frontage, along Colwyck Drive at the rear of the shopping center,
899 and Eastgate Boulevard, which is a private road to the east of the development. The plan
900 incorporates three pedestrian connections into the site from Nine Mile Road—one is here,
901 and here's another, and here's another—as well as two pedestrian connections from
902 Colwyck Drive—one's there and one's there—which reflect the existing pedestrian traffic
903 pattern from the adjacent Heckler Village neighborhood. In addition to the sidewalk and
904 internal paths, other pedestrian amenities are being provided such as benches and trash
905 receptacles at the bus stop on Nine Mile Road and the paths from Heckler Village.

906

907 The rear of the shopping center faces the neighborhood and will now contain a transitional
908 buffer varying from twenty-three to seventy-five feet deep and planted to a 35-foot
909 transitional buffer with a six-foot wrought iron style fence. A schematic plan is included in
910 your agenda for informational purposes only. The landscape plan will return to the
911 Planning Commission for review and approval.

912

913 The architectural elevations for Walmart have been revised to extend the masonry wall to
914 screen the tire storage, which is right here. The once-exposed garden racks are now
915 tucked away behind masonry columns with a decorative iron fence. So that's the side right
916 here where the racks were once exposed. The architectural renderings for the Walmart
917 are in compliance with the proffered elevations.

918

919 The revised lighting plan is in your addendum. The lighting plan has been revised to
920 provide light levels for pedestrian plaza entrances, and building edges. Foot candles
921 exceed one-foot candle level throughout the parking lot. The applicant proposes concealed
922 source LED lighting fixtures. Pole heights are limited by proffers to thirty-five feet on a
923 three-foot base in the front of the development and twenty-five feet on a three-foot base
924 at the rear of the development closer to the neighborhood. The lights in the pedestrian
925 plaza are eighteen feet tall. The lighting plan will continue to be submitted to staff—
926 including the Division of Police—for review and comments during construction plan review.

927

928 Time limits will need to be waived on this plan since this was received this week.

929

930 With this, staff can recommend approval of the revised staff plans including revised
931 Walmart elevations; revised lighting plans (that need a time limit waiver); the retail building
932 elevations in the agenda; with standards conditions for developments of this type; and
933 conditions 9 amended, 11B, and 29 through 44 in the agenda.

934

935 This concludes my presentation. I will be happy to answer any questions you may have of
936 me. Josh Rector, the developer from Bromont is here, as well as Guy Lampe, the adjacent
937 property owner, should you have any questions for them.

938
939 Mr. Leabough - Are there questions for Ms. Goggin?

940
941 Mr. Archer - Ms. Goggin, as you know, at this point in time I don't have any
942 questions. But I will defer to my colleagues to see if they have any, because there were
943 quite a few last-minute items—

944
945 Ms. Goggin - Yes sir.

946
947 Mr. Archer - —that they might not have been aware of. Anybody?

948
949 Mr. Leabough - I guess I'd just like to ask, all the concerns that were raised by
950 staff with the exception of comments from police have been addressed, correct?

951
952 Ms. Goggin - Yes sir. And we will continue to work with police through the
953 construction plan phase.

954
955 Mr. Leabough - Thank you. All right. Mr. Archer, would you like to hear from the
956 applicant?

957
958 Mr. Archer - I think I would, Mr. Chairman.

959
960 Mr. Rector - Hello. Josh Rector.

961
962 Mr. Archer - How are you, Mr. Rector? I guess a little bit more than
963 questions; I have a few comments to make.

964
965 Mr. Rector - Yes sir.

966
967 Mr. Archer - As you know, because you've been working with her,
968 Ms. Goggin has had to prepare several what-if plans to be presented this morning in case
969 we didn't get the necessary signature that you know we had to have in order to go forward
970 with this.

971
972 Mr. Rector - Yes sir.

973
974 Mr. Archer - We seem to have to discuss this quite a bit, but we really have
975 got to get to the point where we can have these plans in hand in a timely fashion so that
976 they can be—I mean, most of us up here have not seen the revised lighting plan at all until
977 today. So I just ask you as we go forward to please be cognizant of the fact that staff puts
978 a lot of time and work into putting all these plans together. You have one that looks like
979 this, and then another one, and then a substitute one in case those don't work.

980

981 Are you aware of the deficiencies that the Police Department has identified that need to
982 be looked into?
983
984 Mr. Rector - I am very well aware.
985
986 Mr. Archer - Okay. And you all are working on getting that resolved?
987
988 Mr. Rector - Yes sir.
989
990 Mr. Archer - Okay.
991
992 Mr. Rector - And I have been very appreciative of the Police Department
993 and how they've worked with us so far. And I look forward to resolving those and working
994 with them.
995
996 Mr. Archer - Okay. Anybody else have questions or comments? Thank you,
997 Mr. Rector.
998
999 Mr. Rector - Thank you.
1000
1001 Mr. Archer - Okay, Mr. Chairman, as soon as I figure out what it is I have to
1002 approve this morning, I'm going to make a motion. First of all, I'd like to thank staff, and
1003 particularly Ms. Goggin, for the work that you put into this. You and I were talking late into
1004 yesterday afternoon, so I know this has not been easy.
1005
1006 I believe that I have to waive the time limits on the revised lighting plan?
1007
1008 Ms. Goggin - Yes sir.
1009
1010 Mr. Archer - So I make a motion to do that.
1011
1012 Mrs. Jones - Second.
1013
1014 Mr. Archer - I move to waive time limits on the revised lighting plan.
1015
1016 Mr. Leabough - And you seconded it. So we have a motion by Mr. Archer to
1017 waive the time limits and a second by Mrs. Jones. All in favor say aye. All opposed say
1018 no. The ayes have it; the motion passes.
1019
1020 Mr. Archer - Ms. Goggin, are there any addenda items that I have to
1021 address in this motion?
1022
1023 Ms. Goggin - Yes.
1024
1025 Mr. Archer - I have a lot of paperwork here.
1026

1027 Ms. Goggin - The revised construction plans and revised elevations.
1028
1029 Mr. Archer - Okay.
1030
1031 Ms. Goggin - So however you phrase that.
1032
1033 Mr. Archer - All right. But no time limit waivers required on those.
1034
1035 Ms. Goggin - No.
1036
1037 Mr. Archer - All right. Thank you, ma'am. Okay. Well Mr. Chairman with that
1038 I will move for approval of POD2014-00365, Eastgate Town Center, and revised lighting
1039 plan, subject to staff recommendation, conditions 9 amended and 11B, and 29 through 44.
1040 Were there any additional conditions? I don't think so.
1041
1042 Mrs. Jones - Just the revised plan on the—
1043
1044 Mr. Archer - Okay. And subject to the revised addenda plan.
1045
1046 Mrs. Jones - Second.
1047
1048 Mr. Leabough - We have a motion by Mr. Archer, a second by Mrs. Jones. All
1049 in favor say aye. All opposed say no. The ayes have it; the motion passes.
1050
1051 The Planning Commission approved POD2014-00365, Eastgate Town Center, subject to
1052 the annotations on the plans, the standard conditions attached to these minutes for
1053 developments of this type, and the following additional conditions:
1054
1055 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
1056 Planning for review and Planning Commission approval prior to the issuance of any
1057 occupancy permits.
1058 11B. Prior to the approval of an electrical permit application and installation of the site
1059 lighting equipment, a plan including light spread and intensity diagrams, and fixture
1060 specifications and mounting heights details shall be revised as annotated on the staff
1061 plan and included with the construction plans for final signature.
1062 29. The right-of-way for widening of Nine Mile Road (State Route 33) as shown on
1063 approved plans shall be dedicated to the County prior to any occupancy permits
1064 being issued. The right-of-way dedication plat and any other required information
1065 shall be submitted to the County Real Property Agent at least sixty (60) days prior
1066 to requesting occupancy permits.
1067 30. The entrances and drainage facilities on Nine Mile Road (State Route 33) shall be
1068 approved by the Virginia Department of Transportation and the County.
1069 31. A notice of completion form, certifying that the requirements of the Virginia
1070 Department of Transportation entrances permit have been completed, shall be
1071 submitted to the Department of Planning prior to any occupancy permits being
1072 issued.

- 1073 32. A concrete sidewalk meeting VDOT standards shall be provided along the south
1074 side of Nine Mile Road (State Route 33).
1075 33. A concrete sidewalk meeting County standards shall be provided along the north
1076 side of Colwyck Drive and east side of Eastgate Boulevard.
1077 34. All repair work shall be conducted entirely within the enclosed building.
1078 35. There shall be no outdoor storage in moveable storage containers including, but
1079 not limited to, cargo containers and portable on demand storage containers.
1080 36. Outside storage shall not be permitted except as shown on the approved plan.
1081 37. The proffers approved as a part of zoning case C-69C-04 and REZ2014-00023
1082 shall be incorporated in this approval.
1083 38. The developer shall install an adequate restaurant ventilating and exhaust system
1084 to minimize smoke, odors, and grease vapors. The plans and specifications shall
1085 be included with the building permit application for review and approval. If, in the
1086 opinion of the County, the type system provided is not effective, the Commission
1087 retains the rights to review and direct the type of system to be used.
1088 39. The loading areas shall be subject to the requirements of Chapter 24, Section 24-
1089 97(b) of the Henrico County Code.
1090 40. Approval of the construction plans by the Department of Public Works does not
1091 establish the curb and gutter elevations along the Virginia Department of
1092 Transportation maintained right-of-way. The elevations will be set by the contractor
1093 and approved by the Virginia Department of Transportation.
1094 41. Evidence of a joint ingress/egress and maintenance agreement must be submitted
1095 to the Department of Planning and approved prior to issuance of a certificate of
1096 occupancy for this development.
1097 42. The conceptual master plan, as submitted with this application, is for planning and
1098 information purposes only.
1099 43. The location of all existing and proposed utility and mechanical equipment
1100 (including HVAC units, electric meters, junctions and accessory boxes,
1101 transformers, and generators) shall be identified on the landscape plan. All building
1102 mounted equipment shall be painted to match the building, and all equipment shall
1103 be screened by such measures as determined appropriate by the Director of
1104 Planning or the Planning Commission at the time of plan approval.
1105 44. Except for junction boxes, meters, and existing overhead utility lines, and for
1106 technical or environmental reasons, all utility lines shall be underground.
1107
1108
1109
1110

PLAN OF DEVELOPMENT AND LIGHTING PLAN

POD2014-00397
Nuckols Place – 5400
Wyndham Forest Drive
(POD-22-06 Rev.)

Timmons Group, P.C. for Ukrop’s Super Markets, Inc. and Virginia Financial Investors, Inc.: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 107,895 square foot phase of a neighborhood shopping center including two one-story restaurant buildings with drive through facilities containing 1,875 square feet and 3,920 square feet; one one-story retail building containing 10,800 square feet; two one-story

retail buildings with drive through facilities containing 10,500 square feet, and 4,800 square feet; and, a one-story 76,000 square foot retail grocery store with drive through pharmacy facilities. The 14.82-acre site is part of a 16.725-acre shopping center, and is located on the south line of Wyndham Forest Drive, the east line of Nuckols Road, and the north line of Twin Hickory Road, on parcel 746-773-8345. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

1111
1112 Mr. Leabough - Is there anyone in the audience in opposition to POD2014-
1113 00397, Nuckols Place?

1114
1115 Mr. Rosenberg - [Off microphone.] I have a statement to make and a question
1116 for the Planning Commission.

1117
1118 Mr. Leabough - Okay. We'll let you speak when it's time. I just wanted to
1119 recognize who wants to speak. But you're not in opposition.

1120
1121 Mr. Rosenberg - [Off microphone.] No, I'm not in opposition, no.

1122
1123 Mr. Leabough - Okay. Thank you for pointing that out. Good morning,
1124 Ms. Crady.

1125
1126 Ms. Crady - Good morning.

1127
1128 The subject property has been dormant for several years following partial construction of
1129 basic infrastructure and installation of a preliminary buffer areas for a shopping center. A
1130 Walgreens pharmacy exists at the corner that was approved in 2001 and currently
1131 operates in the existing outparcel. It was developed ahead of the shopping center,
1132 obviously.

1133
1134 The revised plan in your addendum addresses previous concerns about traffic circulation
1135 and also meets the required fifty-foot minimum shopping center setback for building two,
1136 which is here. The internal median at the Nuckols Road entrance has been extended
1137 further into the site to address traffic concerns. This prevents incoming traffic from
1138 executing an immediate left turn into the areas of buildings one and two, eliminating
1139 potential traffic backup issues into Nuckols Road. This will divert the traffic around this
1140 portion of the site and queue the drive-through facility traffic internally while still maintaining
1141 a convenient right-turn exit here for those buildings. The Department of Public Works,
1142 Traffic Division, can now recommend approval to the plan based on that revision.

1143
1144 The proposed plan departs from previously approved plans of 2006—that was POD-22-
1145 06—with some subtle differences. While entrance locations and building orientation is
1146 similar overall, a minor change to underground utilities is proposed. The additional building
1147 is the big difference here. Building six has been added north of the grocery anchor. The

1148 future retail phase that was shown on POD-22-06 was located here along Nuckols Road.
1149 That's now two buildings, two smaller buildings with drive-through facilities.

1150
1151 The applicant has adjusted the plan and will continue to work with the traffic engineer to
1152 ensure adequate stacking space for the drive-through facilities throughout the site. A total
1153 of five drive-through facilities are proposed with this plan. As stacking requirements and
1154 other design guidelines may vary depending on the ultimate users of these locations, the
1155 applicant has committed to working with staff as those plans are finalized.

1156
1157 A lighting plan is also included that proposes pole-mounted concealed source LED fixture
1158 types and demonstrates adequate and safe lighting while preventing light trespass to any
1159 of the adjacent residential properties. Staff has no objection to the lighting plan.

1160
1161 Architectural elevations provide a variety of compatible textures and finishes with liberal
1162 use of awnings and cornices. There will be no painted or unfinished masonry products
1163 used, and that is in compliance with the proffers. There's another retail building there. As
1164 you can see, they give the appearance of four fronted-side building rows wherever
1165 practical. However, the grocery tenant is a little bit different. While the user has not been
1166 identified at this time, the grocery anchor differs in mass and in treatment of primarily the
1167 rear elevation. We have a color rendering here.

1168
1169 The location and orientation of the anchor building closely resembles the previously
1170 approved plan. A terraced stone wall approximately ten feet in height was already
1171 constructed along the buffer area immediately adjacent to the rear of this proposed
1172 building. While the rear elevation of that building is the least articulated of those presented
1173 for all the buildings on the site, staff has determined that the most desirable and effective
1174 measure for screening the building area along that elevation and for hiding rooftop views
1175 from adjacent residential property will be to enhance the landscape buffer to provide a
1176 dense evergreen screen along that property line. This is due to the specific challenge of
1177 the change in grade between the shopping center and the adjacent townhome
1178 development. The applicant has expressed understanding and willingness to implement
1179 this strategy, and condition #9 amended has been added in the addendum requiring the
1180 subsequent review and approval of the landscape plan by the Planning Commission.

1181
1182 Staff has been contacted by multiple parties interested in the development. A
1183 representative of the Wyndham Forest HOA expressed support for the development
1184 proposal, but has requested that extra attention be given to the landscaping of the
1185 triangular area north of building six, and that's what I'm circling here.

1186
1187 Staff has requested and the applicant has agreed to provide an additional pedestrian
1188 connection from Twin Hickory in this general location as well, as a response to other citizen
1189 inquiries.

1190
1191 With the landscape plan returning to the Commission, we feel that these goals can be
1192 achieved by the applicant.

1193

1194 With the revised plan, staff can now recommend approval subject to the annotations on
1195 the plan, standard conditions for developments of this type, additional conditions 11B and
1196 29 through 41 in your agenda, as well as condition 9 amended listed in your addendum.
1197 The applicant, Kevin Nielson, as well as his representatives, Mitch Bowser and Roger
1198 Rodriguez with Timmons Group are here to answer any questions you may have of the
1199 applicant. And I'm happy to answer any questions the Commission may have of me.
1200

1201 Mr. Leabough - Are there questions for Ms. Crady?
1202

1203 Mr. Kaechele - On this site plan, can you identify where the additional access
1204 point is?
1205

1206 Ms. Crady - The additional pedestrian—
1207

1208 Mr. Kaechele - Yes.
1209

1210 Mr. Branin - Along Twin Hickory.
1211

1212 Ms. Crady - Yes sir. This here is Twin Hickory Road. They're already
1213 providing an access in here. Staff has requested and they have agreed to this additional
1214 one closer to the grocery anchor.
1215

1216 Mr. Branin - Going down towards Rivers Edge.
1217

1218 Mr. Kaechele - Okay. Thank you.
1219

1220 Ms. Crady - So anyone coming from the east will be able to access through
1221 here.
1222

1223 Mr. Kaechele - Yes, I see. I gotcha.
1224

1225 Mr. Leabough - Mrs. Jones, you have a question?
1226

1227 Mrs. Jones - You have a notation about truck maneuvering. Has that been
1228 fully resolved?
1229

1230 Ms. Crady - That's something that is fine-tuned during the construction
1231 plan. What it might involve is changing the angle on a dumpster enclosure—all of these
1232 issues can sometimes be tweaked a little bit just to make sure we don't have trucks backing
1233 into parking spaces, those types of issues.
1234

1235 Mrs. Jones - But you're confident they can be—
1236

1237 Ms. Crady - The traffic engineer is endorsing the plan, and they review that
1238 ultimately.
1239

1240 Mrs. Jones - Good. Looks tight to me.
1241
1242 Mr. Leabough - Other questions for Ms. Crady? If not, thank you, ma'am.
1243
1244 Mr. Branin - Mr. Chairman, I'd like to hear from the applicant.
1245
1246 Mr. Leabough - The applicant.
1247
1248 Mr. Branin - No not—applicant next, but I'd like to hear the comment so I
1249 can address it with the applicant if it's something that needs to be addressed.
1250
1251 Mr. Leabough - Oh yes, that's right. You have a question, sir. I'm sorry, I forgot
1252 about that.
1253
1254 Mr. Rosenberg - Good morning. My name is Eric Rosenberg, and I am the
1255 president of the Wyndham Forest Homeowners Association. We are a community of 347
1256 homes. I have been authorized by the homeowners' board as duly elected representative
1257 to our members to present the following comments regarding Nuckols Place.
1258
1259 We were very supportive of this shopping center. It was unfortunate that the Ukrop's
1260 development plan did not follow through, but we're very excited about this opportunity. Our
1261 initial reactions to the Timmons Group, Mr. Nielson, Mrs. Nielson of Cushman & Wakefield,
1262 Thalhimer, have been very favorable.
1263
1264 I addressed with Mr. Nielson, as well as my board member had addressed I guess
1265 previously, regarding that section in the north corner regarding planting. And I think that
1266 we can come to terms with that, and I think that will be acceptable. But they just wanted
1267 that on record knowing that that was going to be worked on.
1268
1269 The other issue that we wanted to deal with—and you may correct me on; I don't know if
1270 this is the time or venue—is with proximity to the shopping center. We are a heavily walked
1271 community. We have community people walking to school; to the shopping center; from
1272 this shopping center, once completed, to the other side of the street across Nuckols Road;
1273 those apartments and homes from Twin Hickory coming across to the shopping center.
1274 Currently—I'm sorry.
1275
1276 Mr. Branin - Okay. So we're all on the same page with you—
1277
1278 Mr. Rosenberg - Yes
1279
1280 Mr. Branin - Use the mouse.
1281
1282 Mr. Rosenberg - Oh, I'm sorry.
1283
1284 Mr. Branin - When you say "on the other side," I'm not sure what other side
1285 you're referring to.

1286
1287 Mr. Rosenberg - I understand. This is Twin Hickory Road.
1288
1289 Mr. Branin - Mmm-hmm.
1290
1291 Mr. Rosenberg - As it approaches Nuckols Road, there is a crosswalk light that
1292 enables traffic—or foot traffic, pedestrian traffic to cross Nuckols in a safe manner.
1293 Currently on the Wyndham Forest side, the main entrance to our subdivision, as you
1294 approach up here—and I don't know if this is proper—
1295
1296 Mr. Branin - That's the BP station where you are.
1297
1298 Mr. Rosenberg - Yes. Okay, the FasMart.
1299
1300 Mr. Branin - The FasMart.
1301
1302 Mr. Rosenberg - There is absence of sidewalk along this area. Now I know that
1303 this is probably out of the purview of this development project; however, we're requesting
1304 that the Planning Commission look into it or assist me in looking into it so that we could
1305 possibly continue the sidewalk area along the FasMart. And then in addition, there is
1306 currently no crosswalk traffic light up here. There is a traffic signal, but there is no
1307 crosswalk signal at this time. Once the development is completed, we're concerned about
1308 pedestrian traffic walking to and from, crossing Nuckols Road, which is a very dangerous
1309 road.
1310
1311 Mr. Kaechele - We can look into that with Public Works.
1312
1313 Mr. Rosenberg - Okay.
1314
1315 Mr. Kaechele - Okay?
1316
1317 Mr. Rosenberg - Okay. And I believe—. I think that's all I have.
1318
1319 Mr. Branin - Thank you.
1320
1321 Mr. Rosenberg - Thank you very much.
1322
1323 Mr. Leabough - Sir, you wanted to speak in opposition or you had a question?
1324
1325 Mr. Flight - [Off microphone.] If I could speak for a minute. My name is
1326 Bruce Flight.
1327
1328 Mr. Branin - I'm sorry, sir, would you say it again?
1329

1330 Mr. Flight - My name's Bruce Flight. I actually live in Preston Square Loop,
1331 which backs up to this development in the townhomes, I'm also the property manager of
1332 the neighborhood.

1333
1334 The other thing I want to make sure of is on that landscape buffer, it's probably some of
1335 the worse trees you can plant. They're just scrub trees that they originally planted. So the
1336 three buildings that face that, what the association has asked for and that the residents
1337 have asked for is for decent plantings, Green Giants, Leyland, those types of plantings,
1338 not the pines that are going to not give us any privacy or any noise barrier.

1339
1340 We're in approval of the subdivision. I hope there's a good bar and restaurant there.

1341
1342 Mr. Branin - Mr. Flight, as you heard in the report—I don't know if you
1343 heard. When you hear me make a motion and say 9 amended, there is work that needs to
1344 be done with the landscaping.

1345
1346 Mr. Flight - Thank you.

1347
1348 Mr. Branin - The applicant did not—had a meeting with the neighborhoods
1349 without our knowledge, so we didn't get to speak and hear what the concerns were
1350 previously. So we're bringing landscape back. We'll probably have a community meeting
1351 to review that landscaping so we can make sure that both neighborhoods' concerns are
1352 met.

1353
1354 Mr. Flight - Yes. Unless the originally landscape was done way back
1355 when. I mean I've been in there for probably three, four years now. There hasn't been a
1356 community meeting. We are excited to see something that's finally going in there. We just
1357 hope that that buffer that's on that hill is—

1358
1359 Mr. Branin - And as soon as I get that applicant down here, I'll mention your
1360 bar request.

1361
1362 Mr. Flight - Thank you, sir.

1363
1364 Mr. Branin - Yes sir.

1365
1366 Mr. Leabough - Would the applicant please come forward?

1367
1368 Mr. Rodriguez - Good morning. I'm Roger Rodriguez with Timmons Group.
1369 We're the engineer for the applicant. And I also have Kevin Nielson with the developer
1370 here with me this morning.

1371
1372 Mr. Branin - Mr. Rodriguez, you're aware of 9 amended, right?

1373
1374 Mr. Rodriguez - That's correct.

1375

1376 Mr. Branin - And you've heard the concerns about two areas that we need
1377 to look at landscaping.
1378
1379 Mr. Rodriguez - Correct.
1380
1381 Mr. Branin - And you're also aware of the request for some more
1382 connectivity with Twin Hickory.
1383
1384 Mr. Rodriguez - That's correct. And we're in agreement with all of those.
1385
1386 Mr. Branin - And you're excited to be working on it.
1387
1388 Mr. Rodriguez - Absolutely!
1389
1390 Mr. Branin - And now you're not going to be able to answer this question—
1391 and I have to ask it—any idea on who the grocery tenant is going to be?
1392
1393 Mr. Rodriguez - I'll let my developer speak to that.
1394
1395 Mr. Branin - I hear you.
1396
1397 Mr. Nielson - Kevin Nielson with the developer. We are working with multiple
1398 players right now, and we don't have a name right now.
1399
1400 Mr. Branin - Okay. And you heard the highly requested tenant that the
1401 neighborhood is looking for?
1402
1403 Mr. Nielson - Absolutely. Local bar and grill.
1404
1405 Mr. Branin - There you go. Okay. Have to make sure that they're happy. I
1406 have no further questions.
1407
1408 Mr. Leabough - Are there questions from the Commission? If not, thank you all
1409 for coming out. Mr. Branin.
1410
1411 Mr. Branin - Yes, Mr. Chairman
1412
1413 Mr. Leabough - I'll entertain a motion if you're ready, sir.
1414
1415 Mr. Branin - Yes, I think I might be ready. I would like to move that the time
1416 limits be waived for POD2014-00397, Nuckols Place.
1417
1418 Mr. Witte - Second.
1419

1420 Mr. Leabough - We have a motion by Mr. Branin, a second by Mr. Witte. All in
1421 favor say aye. All opposed say no. The ayes have it; the motion passes for the waiver of
1422 the time limits.

1423
1424 Mr. Branin - Thank you. I'd like to move that POD2014-00397, Nuckols
1425 Place, be approved with the standard conditions for a development of this type, the
1426 following additional conditions 11B, 29 through 41, and also including 9 amended.

1427
1428 Mrs. Jones - Second.

1429
1430 Mr. Leabough - We have a motion by Mr. Branin, a second by Mrs. Jones. All
1431 in favor say aye. All opposed say no. The ayes have it; the motion passes.

1432
1433 The Planning Commission approved POD2014-00397, Nuckols Place, subject to the
1434 annotations on the plans, the standard conditions attached to these minutes for
1435 developments of this type, and the following additional conditions:

- 1436
1437 9. **AMENDED (ADDED)** - A detailed landscaping plan shall be submitted to the
1438 Department of Planning for review and Planning Commission approval prior to the
1439 issuance of any occupancy permits.
- 1440 11B. Prior to the approval of an electrical permit application and installation of the site
1441 lighting equipment, a plan including light spread and intensity diagrams, and fixture
1442 specifications and mounting heights details shall be revised as annotated on the staff
443 plan and included with the construction plans for final signature.
- 1444 29. Only retail business establishments permitted in a B-2 Business District may be
1445 located in this center.
- 1446 30. The ground area covered by all the buildings shall not exceed in the aggregate 25
1447 percent of the total site area.
- 1448 31. No merchandise shall be displayed or stored outside of the building(s) or on
1449 sidewalk(s).
- 1450 32. A concrete sidewalk meeting County standards shall be provided along the east
1451 side of Nuckols Road.
- 1452 33. Outside storage shall not be permitted.
- 1453 34. The proffers approved as a part of zoning case C-10C-04 shall be incorporated in
1454 this approval.
- 1455 35. The developer shall install an adequate restaurant ventilating and exhaust system
1456 to minimize smoke, odors, and grease vapors. The plans and specifications shall
1457 be included with the building permit application for review and approval. If, in the
1458 opinion of the County, the type system provided is not effective, the Commission
1459 retains the rights to review and direct the type of system to be used.
- 1460 36. The loading areas shall be subject to the requirements of Chapter 24, Section 24-
1461 97(b) of the Henrico County Code.
- 1462 37. In the event of any traffic backup which blocks the public right-of-way as a result of
1463 congestion caused by the drive-up facilities, the owner/occupant shall close the
1464 drive-up facilities until a solution can be designed to prevent traffic backup.

- 1465 38. The existing utility easements in conflict with the footprint for Buildings 2, 3, and 4
 1466 shall be vacated prior to approval of the building permit for the said building.
 1467 39. Approval of the construction plans by the Department of Public Works does not
 1468 establish the curb and gutter elevations along the Henrico County maintained right-
 1469 of-way. The elevations will be set by Henrico County.
 1470 40. Evidence of a joint ingress/egress and maintenance agreement must be submitted
 1471 to the Department of Planning and approved prior to issuance of a certificate of
 1472 occupancy for this development.
 1473 41. The location of all existing and proposed utility and mechanical equipment
 1474 (including HVAC units, electric meters, junctions and accessory boxes,
 1475 transformers, and generators) shall be identified on the landscape plan. All building
 1476 mounted equipment shall be painted to match the building, and all equipment shall
 1477 be screened by such measures as determined appropriate by the Director of
 1478 Planning or the Planning Commission at the time of plan approval.
 1479
 1480

1481 **PLAN OF DEVELOPMENT**
 1482

POD2014-00369
 Stuart's Crossing, Phase 1
 – 1091 Virginia Center
 Parkway

E.D. Lewis and Associates, P.C. for Sauer Properties, Inc.: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct Phase I of a proposed shopping center, consisting of two one-story retail stores totaling 24,179 square feet. The 5.67-acre site is part of a 13-acre proposed shopping center and is located on the southeast corner of the intersection of Virginia Center Parkway and Brook Road (U.S. Route 1), on parcels 784-766-7690 and 784-767-4440. The zoning is B-3, Business District and B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

1483
 1484 Mr. Leabough - Is there anyone in the audience in opposition to POD2014-
 1485 00369, Stuart's Crossing, Phase 1? There's no opposition. Mr. Garrison.
 1486

1487 Mr. Garrison - Good morning. This is a request for approval to construct the
 1488 first phase of a proposed shopping center consisting of two one-story retail stores totaling
 1489 24,179 square feet. This phase will also include right-of-way improvements to the east
 1490 side of Brook Road, the south side of Virginia Center Parkway right here, and the west
 1491 side of Battlefield Road right here. This will include sidewalk, curb and gutter, etc.
 1492

1493 Staff has received a revised plan for the outparcels that addresses staff comments about
 1494 traffic circulation and the drive-through right here, as well as a slight modification to
 1495 relocate the loading area to the north side of retail building two. Staff has also received
 1496 revised elevations for enhancements on retail building one that address the rear elevation
 1497 to provide additional storefronts.
 1498

1499 Staff can now recommend approval subject to the annotations on the plans, standard
1500 conditions for developments of this type, and added conditions 29 through 44. Staff and
1501 representatives are available to answer any questions that you have.

1502
1503 Mr. Leabough - Are there questions for Mr. Garrison? No questions.
1504 Mr. Archer.

1505
1506 Mr. Archer - I'd like to hear from the applicant, if I may.

1507
1508 Mr. Leabough - Would the applicant please come forward?

1509
1510 Mr. Traynham - Good morning, members of the Planning Commission. I'm
1511 Byron Traynham with E.D. Lewis and Associates. I'll be glad to answer any questions you
1512 may have.

1513
1514 Mr. Archer - Mr. Traynham, I don't have a lot of questions. I'm just curious
1515 as to who—I understand that the anchor has not been identified.

1516
1517 Mr. Traynham - Not for phase two.

1518
1519 Mr. Archer - Okay. Any idea who it might be or at least what kind of
1520 establishment it might be? And not that it's germane to the case, I'm just curious.

1521
1522 Mr. Traynham - I think over the last year or so there has been a lot of interest.
1523 But the large anchors have not been tied down at this time.

1524
1525 Mr. Archer - You've been courting some or have they been courting you?

1526
1527 Mr. Traynham - A little of both.

1528
1529 Mr. Archer - Okay. All right. That's all I have. Anybody else have a
1530 question?

1531
1532 Mr. Leabough - Thank you, sir.

1533
1534 Mr. Archer - Thank you, sir.

1535
1536 Mr. Traynham - Thank you.

1537
1538 Mr. Archer - All right, Mr. Chairman. Do we need to waive time limits on
1539 anything?

1540
1541 Mr. Garrison - No sir. We received this information last week.

1542
1543 Mr. Archer - Okay, very good. All right. With that I will move for approval of
1544 POD2014-00369, Stuart's Crossing, Phase 1, subject to standard conditions for

1545 developments of this type, the annotated plan, staff recommendation, conditions 29
1546 through 44, and the addenda item.

1547

1548 Mrs. Jones - Second.

1549

1550 We have a motion by Mr. Archer, a second by Mrs. Jones. All in favor say aye. All opposed
1551 say no. The ayes have it; the motion passes.

1552

1553 The Planning Commission approved POD2014-00369, Stuart's Crossing, Phase 1,
1554 subject to the annotations on the plans, the standard conditions attached to these minutes
1555 for developments of this type, and the following additional conditions:

1556

1557 29. Only retail business establishments permitted in a B-3 Business District, may be
1558 located in this center.

1559 30. The ground area covered by all the buildings shall not exceed in the aggregate 25
1560 percent of the total site area.

1561 31. No merchandise shall be displayed or stored outside of the building(s) or on
1562 sidewalk(s).

1563 32. The right-of-way for widening of Virginia Center Parkway as shown on approved
1564 plans shall be dedicated to the County prior to any occupancy permits being issued.
1565 The right-of-way dedication plat and any other required information shall be
1566 submitted to the County Real Property Agent at least sixty (60) days prior to
1567 requesting occupancy permits.

1568 33. A concrete sidewalk meeting VDOT standards shall be provided along the east of
1569 Brook Road (U.S. Route 1).

1570 34. A concrete sidewalk meeting County standards shall be provided along the south
1571 side of Virginia Center Parkway and the west side of Battlefield Road.

1572 35. There shall be no outdoor storage in moveable storage containers including, but
1573 not limited to, cargo containers and portable on demand storage containers.

1574 36. Outside storage shall not be permitted.

1575 37. The proffers approved as a part of zoning case C-16C-11 shall be incorporated in
1576 this approval.

1577 38. The developer shall install an adequate restaurant ventilating and exhaust system
1578 to minimize smoke, odors, and grease vapors. The plans and specifications shall
1579 be included with the building permit application for review and approval. If, in the
1580 opinion of the County, the type system provided is not effective, the Commission
1581 retains the rights to review and direct the type of system to be used.

1582 39. The loading areas shall be subject to the requirements of Chapter 24, Section 24-
1583 97(b) of the Henrico County Code.

1584 40. The existing 16-foot drainage easement in conflict with Retail Building #2 footprint
1585 shall be vacated prior to approval of the building permit for the said building.

1586 41. The owners shall not begin clearing of the site until the following conditions have
1587 been met:

1588 (a) The site engineer shall conspicuously illustrate on the plan of development
1589 or subdivision construction plan and the Erosion and Sediment Control Plan,
1590 the limits of the areas to be cleared and the methods of protecting the

- .591 required buffer areas. The location of utility lines, drainage structures and
1592 easements shall be shown.
- 1593 (b) After the Erosion and Sediment Control Plan has been approved but prior to
1594 any clearing or grading operations of the site, the owner shall have the limits
1595 of clearing delineated with approved methods such as flagging, silt fencing
1596 or temporary fencing.
- 1597 (c) The site engineer shall certify in writing to the owner that the limits of clearing
1598 have been staked in accordance with the approved plans. A copy of this
1599 letter shall be sent to the Department of Planning and the Department of
1600 Public Works.
- 1601 (d) The owner shall be responsible for the protection of the buffer areas and for
1602 replanting and/or supplemental planting and other necessary improvements
1603 to the buffer as may be appropriate or required to correct problems. The
1604 details shall be included on the landscape plans for approval.
- 1605 42. Evidence of a joint ingress/egress and maintenance agreement must be submitted
1606 to the Department of Planning and approved prior to issuance of a certificate of
1607 occupancy for this development.
- 1608 43. The conceptual master plan, as submitted with this application, is for planning and
1609 information purposes only.
- 1610 44. The location of all existing and proposed utility and mechanical equipment
1611 (including HVAC units, electric meters, junctions and accessory boxes,
1612 transformers, and generators) shall be identified on the landscape plan. All building
1613 mounted equipment shall be painted to match the building, and all equipment shall
1614 be screened by such measures as determined appropriate by the Director of
1615 Planning or the Planning Commission at the time of plan approval.

1616 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

1617 1618 1619 1620 1621 1622 1623 1624 1625	<p>POD2014-00401 Hermitage Townes – 8100-8200 Staples Mill Road (U.S. Route 33)</p>	<p>Bay Companies, Inc. for Atack/Hermitage, LLC: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 54 residential townhouse units for sale. The 15.0-acre site is located on the west line of Staples Mill Road (U.S. Route 33), approximately 450 feet north of Wistar Road, on parcels 770-752-3830, 770-752- 7621, 770-752-9456, and part of parcel 771-752-1713. The zoning is RTHC, Residential Townhouse District (Conditional) and C-1C, Conservation District (Conditional). County water and sewer. (Brookland)</p>
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1619 1620 1621 1622 1623 1624 1625	<p>Mr. Leabough - Ms. Goggin - Mr. Leabough -</p>	<p>Is there anyone in the audience in opposition to POD2014- 00401, Hermitage Townes? We have opposition. Ms. Goggin.</p> <p>Good morning again.</p> <p>Good morning.</p>
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Ms. Goggin - The applicant is requesting approval to construct fifty-four residential townhomes for sale. Conditional approval was granted at the July 23, 2014, Planning Commission hearing. The site plan is consistent with the exhibits proffered with REZ2014-00015 and proffers for a six-foot white vinyl privacy fence on the southern property line, which is right here. It provides a 100-foot proffered buffer along the western property line. And at the narrowest point, there is a 180-foot buffer between the new homes and the neighboring Hermitage Farm Annex subdivision due to extensive wetlands and a floodplain.

The elevations submitted with the plan of development are consistent with adopted proffers and offer one-car garages that have a minimum clear space eight feet wide by eleven feet deep. The garage doors are to have decorative features.

A revised lighting plan is in your handout addendum. Although they have addressed many of staff's concerns, the Police Division would still like to continue to work with the engineer and the developer to finalize the plans prior to signature. The applicant proposes fixtures that are residential in character and are sixteen feet tall. Staff has spoken with the engineer, and they have agreed to continue to work with police to address their concerns prior to plan signature.

Staff was just made aware of opposition this morning, so I'm going to leave this plan up for everybody to use. But with this, staff can recommend approval of the staff plans, the revised lighting plans, the standard conditions for developments of this type, and conditions 11B and 29 through 41 in the agenda. This concludes my presentation. I'll be happy to answer any questions the commission may have of me. And Dan Caskie, the engineer, is here to answer any questions you may have of him.

Mr. Leabough - Any questions for Ms. Goggin? All right. Would you like to hear from the opposition?

Mr. Witte - The opposition, please.

Mr. Stanley - My name is Bruce Stanley. I live at 4132 Wistar Road. I'm an adjacent property owner. My property is right next to the Northgate Center. I've been to the last two prior meetings and feel that I've been sidestepped on several issues. This is concerning the barrier between my property and their property. They're proposing this plastic vinyl fence. It's an ugly thing that's going to go across the back of my property. I've asked to see if they would leave some of the nice trees that are still there to provide some sort of barrier between my property and these townhouses that are going to be two stories tall. They're going to be looking in my backyard 24/7. I was reading this article about how they were talking about they wanted to leave the nice trees and all this stuff. They're going to leave them on the other side of the property and not on the side of the property that's on the back of my yard.

1671 I was hoping they would be a nice neighbor and leave some of those trees there instead
1672 of changing the whole character of the neighborhood, which seems to be what everybody's
1673 doing nowadays. I was hoping that they would have the same class as the people who
1674 developed Northgate Center and left a nice buffer. I have been neighbors and friends with
1675 these people for over twenty-five years and never had any single issue with those people
1676 whatsoever. They were very, very nice and left a nice group of trees there between
1677 themselves and my property. And I was hoping that maybe these people would be just as
1678 nice and leave some of the trees there to act as a buffer.

1679

1680 I'm also concerned about the lighting, what kind of impact it will have on my backyard. I
1681 like to go out and look at the stars and stuff at night. Now I think all of that is getting ready
1682 to change.

1683

1684 The whole character of the neighborhood is being changed little by little. All of these
1685 developments, they're not taking into consideration the charm and character of all these
1686 neighborhoods that have been around for—my house has been there for over a hundred
1687 years. I'm just hoping that they would take into consideration and make some nice trees
1688 across the back of this property. And it would be very neighborly and very nice. And that's
1689 pretty much all I have to say. Thank you.

1690

1691 Mr. Witte - Let me hear from the applicant, please.

1692

1693 Mr. Caskie - Good morning. I'm Dan Caskie with Bay Companies. The
1694 property line that Mr. Stanley is referring to, along that property line we do have a—
1695 obviously we do have the fence that was proffered. We have about a twenty-foot—I think
1696 it's exactly a twenty-foot distance between our main property line and the internal lot lines.
1697 And we generally leave that much so that we can account for drainage and plantings.
1698 When we bring the landscape plan in, we'll certainly address concerns—your planting
1699 concerns. Attack Properties, as everybody knows, is always interested in being a good
1700 neighbor.

1701

1702 One of our challenges is trying to handle all of the drainage that's coming to us. Whether
1703 we can save specific trees or not, I'm not sure. But we do have the area to replant if we
1704 need to.

1705

1706 Mr. Witte - All right. Mr. Caskie, in the event that you have to take trees
1707 along those two properties, since they are three-story townhouses, you wouldn't be
1708 opposed to planting something like a Leyland Cypress group which would grow fifteen or
1709 twenty feet and supply some density and soundproofing to Mr. Stanley and his neighbors?

1710

1711 Mr. Caskie - Sure, sure. We can bring some things like that in. I think staff
1712 is generally pushing us towards the arborvitaes. But whether it's that or Leyland or—

1713

1714 Mr. Witte - But we'll address that at the landscape plan.

1715

1716 Mr. Caskie - Yes sir, yes sir.

1717
1718 Mr. Witte - Is that sufficient?
1719
1720 Mr. Stanley - [Off microphone.] Yes it is, sir.
1721
1722 Mr. Witte - Thank you. Okay. I have no further questions.
1723
1724 Mr. Leabough - Are there other questions for Mr. Caskie? If not—Ms. Goggin,
1725 do you want to share something with us. Oh, okay.
1726
1727 Mr. Witte - Do we need to approve the lighting plan separate?
1728 Mr. Secretary?
1729
1730 Mr. Emerson - It's all part of the same process.
1731
1732 Mr. Witte - Okay. All right.
1733
1734 Mr. Emerson - We will keep an eye on it with staff. Staff will keep an eye on it
1735 and bring it back to you, Mr. Witte, when it's—
1736
1737 Mr. Witte - Okay, thank you.
1738
1739 Mr. Branin - You want to do 9 amended or pull it out?
1740
1741 Mr. Witte - We'll just leave it in. I trust that Attack Properties will be a good
1742 neighbor. Do we have any other questions?
1743
1744 Mr. Leabough - No sir. We're waiting on a motion from you if that's appropriate.
1745
1746 Mr. Witte - All right, Mr. Chairman. I move approval of POD2014-00401,
1747 Hermitage Townes, Staples Mill Road, as presented, subject to the annotations on the
1748 plans, standard conditions for developments of this type, conditions shown on the agenda,
1749 and additional conditions 11B and 29 through 41.
1750
1751 Mr. Archer - Second.
1752
1753 Mr. Leabough - We have a motion by Mr. Witte, a second by Mr. Archer. All in
1754 favor say aye. All opposed say no. The ayes have it; the motion passes.
1755
1756 The Planning Commission approved POD2014-00401, Hermitage Townes, subject to the
1757 annotations on the plans, the standard conditions attached to these minutes for
1758 developments of this type, and the following additional conditions:
1759
1760 11B. Prior to the approval of an electrical permit application and installation of the site
1761 lighting equipment, a plan including light spread and intensity diagrams, and fixture

- 1762 specifications and mounting heights details shall be revised as annotated on the staff
1763 plan and included with the construction plans for final signature.
- 1764 29. The unit house numbers shall be visible from the parking areas and drives.
- 1765 30. The names of streets, drives, courts and parking areas shall be approved by the
1766 Richmond Regional Planning District Commission and such names shall be included
1767 on the construction plans prior to their approval. The standard street name signs shall
1768 be installed prior to any occupancy permit approval.
- 1769 31. The entrances and drainage facilities on Staples Mill Road (U.S. Route 33) shall be
1770 approved by the Virginia Department of Transportation and the County.
- 1771 32. A notice of completion form, certifying that the requirements of the Virginia
1772 Department of Transportation entrances permit have been completed, shall be
1773 submitted to the Department of Planning prior to any occupancy permits being
1774 issued.
- 1775 33. Details for the gate and locking device at the emergency access road shall be
1776 submitted for review by the Traffic Engineer, Police and approved by the County
1777 Fire Marshall. The owner or owner's contractor shall contact the County Fire
1778 Marshall prior to completion of the fence installation to test and inspect the
1779 operations of the gates. Evidence of the Fire Marshall's approval shall be provided
1780 to the Department of Planning by the owner prior to issuance of occupancy permits.
- 1781 34. The proffers approved as a part of zoning case C-93C-86 and REZ2014-00015
1782 shall be incorporated in this approval.
- 1783 35. The pavement shall be of an SM-2A type and shall be constructed in accordance
1784 with County standard and specifications. The developer shall post a defect bond for
1785 all pavement with the Department of Planning - the exact type, amount and
1786 implementation shall be determined by the Director of Planning, to protect the
1787 interest of the members of the Homeowners Association. The defect bond shall
1788 remain in effect for a period of three years from the date of the issuance of the final
1789 occupancy permit. Prior to the issuance of the last Certificate of Occupancy, a
1790 professional engineer must certify that the roads have been designed and
1791 constructed in accordance with County standards.
- 1792 36. The existing 16-foot utility easement in conflict with the building footprint of Blocks
1793 A and B shall be vacated prior to approval of the building permit for the said building.
- 1794 37. The existing 16-foot drainage easement in conflict with the building footprint of
1795 Blocks E and K shall be vacated prior to approval of the building permit for the said
1796 building.
- 1797 38. Evidence of a joint ingress/egress and maintenance agreement must be submitted
1798 to the Department of Planning and approved prior to issuance of a certificate of
1799 occupancy for this development.
- 1800 39. The location of all existing and proposed utility and mechanical equipment
1801 (including HVAC units, electric meters, junction and accessory boxes, transformers,
1802 and generators) shall be identified on the landscape plans. All equipment shall be
1803 screened by such measures as determined appropriate by the Director of Planning
1804 or the Planning Commission at the time of plan approval.
- 1805 40. The subdivision plat for Hermitage Townes shall be recorded before any building
1806 permits are issued.

1807 41. Prior to issuance of a certificate of occupancy for any building in this development,
1808 the engineer of record shall certify that the site has been graded in accordance with
1809 the approved grading plans.
1810

1811 **PLAN OF DEVELOPMENT**
1812

POD2014-00398 **Draper Aden Associates for Alexander Development**
Stone Ridge – 1381 East **Co., LLC:** Request for approval of a plan of development,
Parham Road as required by Chapter 24, Section 24-106 of the Henrico
County Code, to construct 49 residential townhouse units
for sale. The 5.69-acre site is located on the southwest
corner of the intersection of East Parham Road and Villa
Park Drive, on parcels 782-756-3870, 782-756-3992, 782-
756-4861, 782-756-4880, 782-756-6562, 782-756-6636,
782-756-6951, 782-756-7230, 782-756-9451, 782-757-
2904, and part of parcel 782-757-3717. The zoning is
RTHC, Residential Townhouse District (Conditional) and R-
5, General Residence District. County water and sewer.
(Fairfield)

1813
1814 Mr. Leabough - Is there anyone in the audience in opposition to POD2014-
1815 00398, Stone Ridge? There's no opposition. Mr. Garrison.
1816

1817 Mr. Garrison - Good morning again. This is a request for approval to construct
1818 forty-nine townhouse units for sale. Staff has received side and rear elevations of the
1819 townhouse units with dimensions that meet proffered conditions. These are in your
1820 addendum, and confirmation that the central parking island in here can be landscaped
1821 adequately to address proffer #25 from REZ2014-00019.
1822

1823 Ownership of Darracott Road and the ten-foot strip along the west property line right here
1824 has been resolved. Staff can recommend approval subject to the annotations on the plans,
1825 standard conditions for developments of this type, and added conditions 9 through 38 with
1826 a slight revision to condition #34 to read:
1827

1828 Evidence of compliance with the provisions in the letter from Andrew
1829 Condlin on behalf of Alexander Development Co., LLC, dated November
1830 18, 2014, on file in the Department of Planning related to improvements to,
1831 maintenance of, and use of the joint ingress/egress access to Parcel 718-
1832 755-4369, (which is right here), shall be submitted to the director of Planning
1833 prior to issuance of a certificate of occupancy for this development.
1834

1835 I'll remind you that this language will be addressed in the declaration of covenants and
1836 restrictions that will be reviewed by staff and the County attorneys.
1837

1838 Mr. Condlin can elaborate a little bit, if he needs to, on this. And staff will be able to answer
1839 any questions that you may have as well.

1840
1841 Mrs. Jones - Can I ask a quick question?
1842
1843 Mr. Archer - Sure.
1844
1845 Mrs. Jones - Mr. Garrison, just to help me out here. I'm looking at the color
1846 elevations.
1847
1848 Mr. Garrison - Okay.
1849
1850 Mrs. Jones - Can you just confirm for me what I'm looking at here as far as
1851 materials. Is this HardiPlank?
1852
1853 Mr. Garrison - I believe the back is HardiPlank with a brick foundation, per the
1854 proffered conditions.
1855
1856 Mrs. Jones - Brick, stone, or cultured stone I see for the—
1857
1858 Mr. Garrison - Correct.
1859
1860 Mrs. Jones - And then what am I looking at here on the side elevation?
1861
1862 Mr. Garrison - The side is two windows, per proffers, and brick.
863
1864 Mrs. Jones - So that's brick. Okay.
1865
1866 Mr. Garrison - Yes.
1867
1868 Mrs. Jones - Sorry.
1869
1870 Mr. Leabough - It is hard to tell.
1871
1872 Mrs. Jones - I'm sorry?
1873
1874 Mr. Leabough - It is hard to tell what it is.
1875
1876 Mrs. Jones - Yes, it is hard to tell. Okay. So all sides will be brick. And then
1877 there will be HardiPlank, not vinyl. Okay. Thank you.
1878
1879 Mr. Leabough - Are there other questions for Mr. Garrison? Thank you, sir. Mr.
1880 Archer, would you like to hear from the applicant?
1881
1882 Mr. Archer - I really don't need to, but if any of you would like to.
1883
1884 Mrs. Jones - Yes.
1885

1886 Mr. Leabough - This is the first time I've ever heard of any of this.
1887
1888 Mr. Condlin - Again, Andy Condlin, representing Alexander Development.
1889 And the only reason I'm up here is because this subdivision way back a long time ago had
1890 some problems with a lot of title issues when Parham Road came through. I just wanted
1891 to clarify that last condition. I provided a letter to the County. Specifically, the applicant,
1892 the developer will be actually building a driveway along this area, which is a prescriptive
1893 easement, meaning there's no agreement. But we are going to be able to put in our
1894 declaration that this driveway will actually be maintained by the homeowners association
1895 and kept open. So any rights that anyone has, we're not granting an easement agreement
1896 per se, because they already have an access right. We're not sure to what extent; it's just
1897 a prescriptive easement. It's been around forever. But we'll put that in our declaration with
1898 the acknowledgement that others have the right to use this driveway.
1899
1900 Quite frankly, the reason we're doing this is to have a nice access way and have a nice
1901 driveway that comes into here for the marketing of our property and have it look nice.
1902 There's also an issue with regards to Darracott Road. That is a public area here. We're
1903 happy with vacating it and maintaining that upon vacation, subject to others' rights to use
1904 it. But if it doesn't get vacated, we're not really worried about that either. So I just want
1905 to make sure that we're all on the same page, only maintaining up to this property line, in
1906 which case the University of Richmond owns from this point. Subject to those rights, we're
1907 not doing any maintenance past this property line here. Just the construction of the asphalt
1908 drive and maintenance from that point to Darracott Road.
1909
1910 Mrs. Jones - So that's the explanation for the #38 added.
1911
1912 Mr. Condlin - And I don't know how many hours we've put in looking at title
1913 and learning a lot, quite frankly.
1914
1915 Mrs. Jones - Okay.
1916
1917 Mr. Condlin - That's all I had. I just wanted to clarify.
1918
1919 Mr. Leabough - Are there questions for Mr. Condlin? If not, thank you.
1920 Mr. Archer?
1921
1922 Mr. Archer - Yes sir, Mr. Chairman. Prior to the zoning for this case, we did
1923 have a meeting with the residents of Stonewall Manor. They made some—well not too
1924 serious requests, but Mr. Condlin and the applicant have addressed them. So we're ready
1925 to move forward with this. This, incidentally, Stonewall Manor, was the first real estate
1926 project that the late Mr. Bob Attack actually sold. I learned that in doing some research.
1927
1928 So with that I will move for approval of POD2014-00398, Stone Ridge, subject to the
1929 annotations on the plan, staff recommendation, conditions 9 through 38 with 34—I'm
1930 sorry—9 amended and 29 through 38, with 34 being revised in the addenda and 38 being
1931 added in the addenda.

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1976

Mrs. Jones - Second

Mr. Leabough - We have a motion by Mr. Archer, a second by Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

The Planning Commission approved POD2014-00398, Stone Ridge, 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.
- 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.
- 31. A concrete sidewalk meeting County standards shall be provided along the south side of East Parham Road and the west side of Villa Park Drive.
- 32. The proffers approved as a part of zoning case REZ2014-00019 shall be incorporated in this approval.
- 33. The pavement shall be of an SM-2A type and shall be constructed in accordance with County standard and specifications. The developer shall post a defect bond for all pavement with the Department of Planning - the exact type, amount and implementation shall be determined by the Director of Planning, to protect the interest of the members of the Homeowners Association. The defect bond shall remain in effect for a period of three years from the date of the issuance of the final occupancy permit. Prior to the issuance of the last Certificate of Occupancy, a professional engineer must certify that the roads have been designed and constructed in accordance with County standards.
- 34. **REVISED:** Evidence of compliance with the provisions in the letter from Andrew M. Conklin on behalf of Alexander Development Co., LLC dated November 18, 2014, on file in the Department of Planning related to improvements to, maintenance of, and use of the joint ingress/egress access to parcel 781-755-4369, shall be submitted to the Director of Planning prior to issuance of a certificate of occupancy for this development.
- 35. 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.
- 36. The subdivision plat for Stone Ridge shall be recorded before any building permits are issued.

- 1977 37. Prior to issuance of a certificate of occupancy for any building in this development,
 1978 the engineer of record shall certify that the site has been graded in accordance with
 1979 the approved grading plans.
 1980 38. **ADDED:** Prior to construction plan approval and as required by the Director of
 1981 Public Works, a request for vacation of the public portion of Darracott Road
 1982 dedicated in Villa Park, Section 1, shall be submitted for Board of Supervisor's
 1983 action. If the Board does not approve the vacation of said public road, the design of
 1984 the Stone Ridge entrance road shall be revised accordingly to meet the
 1985 requirements of the Department of Public Works.
 1986

1987 **LANDSCAPE PLAN**
 1988

POD2014-00336 **Kimley-Horn and Associates for Aldi, Inc.:** Request for
 Aldi Grocery Store – 1776 approval of a landscape plan, as required by Chapter 24,
 North Parham Road. Section 24-106 and 24-106.2 of the Henrico County Code.
 The 1.41-acre site is located at the northwest corner of the
 intersection of N. Parham Road and Starling Drive, on
 parcel 753-746-8492. The zoning is B-1, Business District.
 County water and sewer. **(Tuckahoe)**

1989
 1990 Mr. Leabough - Is there anyone in the audience in opposition to POD2014-
 1991 00336, Aldi Grocery Store? There's no opposition. Ms. Crady.
 1992

1993 Ms. Crady - Good morning again. The proposed Aldi is currently under
 1994 construction. It's to replace the former Topeka's Steakhouse and Saloon building that you
 1995 still see on our old aerials. This proposed Aldi will be the first store of its brand located in
 1996 the Henrico County to be opened.
 1997

1998 The brick building will be supplemented with landscaping that exceeds the minimum
 1999 standards and preserves much of the existing mature tree canopy along the Starling Drive,
 2000 the larger circles here. Parking lot areas surrounded with a continuous hedgerow border
 2001 to screen views inward and plant beds have been added with seasonal color and
 2002 decorative grasses such as Karl Foerster grass and black fountain grass to enhance the
 2003 aesthetic as well. There will be an additional plant bed at this corner to mirror the plant bed
 2004 on the other side of the entrance drive. There is a traffic box, a retaining wall, and a fire
 2005 hydrant in this location currently, so we'll be field locating some of that stuff before it gets
 2006 a certificate of occupancy.
 2007

2008 Staff recommends approval of the plan subject to the annotations and the standard
 2009 conditions for landscape plans. The applicant, Josh Walls with Aldi, as well as his engineer
 2010 Mark Boyd of Kimley-Horn and Associates, are both here to answer any questions you
 2011 may have of them. And I'm happy to answer any questions the Commission may have of
 2012 me.
 2013

2014 Mr. Leabough - Are there questions for Ms. Crady?
 2015

2016 Mrs. Jones - I have no questions. I just want to thank you for all you've done
2017 for this case. I think it's moving along nicely.
2018
2019 Mr. Leabough - I like the statement there - "exceeds the minimum
2020 requirements."
2021
2022 Mrs. Jones - That's always a nice thing.
2023
2024 Mr. Branin - Mrs. Jones does a fantastic job with her district. And this is
2025 coming along; I rode by it yesterday. They're getting close to being done.
2026
2027 Mrs. Jones - Yes, I'd like Mr. Walls to come forward and tell us.
2028
2029 Mr. Branin - Good, because I have a question for him too. I've been waiting
2030 for this opportunity.
2031
2032 Mrs. Jones - Hello.
2033
2034 Mr. Leabough - Good morning. Could you state your name for the record?
2035
2036 Mr. Walls - Josh Walls, director of real estate for Aldi.
2037
2038 Mr. Leabough - Thank you.
.039
2040 Mrs. Jones - Mr. Walls, it's nice to see you again. We all are circling past
2041 that well-traveled road, and there isn't a day that goes by that somebody doesn't ask me
2042 when is that going to be finished. So?
2043
2044 Mr. Walls - We hope—is the media still here?
2045
2046 Mrs. Jones - It's just us.
2047
2048 Mr. Walls - We are hoping to open the first quarter of next year.
2049
2050 Mr. Leabough - You can speak freely.
2051
2052 Mrs. Jones - Really? Okay.
2053
2054 Mr. Walls - Yes. We are pushing that. My colleague who runs operations
2055 will be moving down here soon. And so we really want to get this off the ground. And of
2056 course weather sometimes plays a factor, but we're moving along pretty well.
2057
2058 Mrs. Jones - You are. It's just busting out of the ground. It looks nice. I
2059 wanted to thank you for the landscaping. I think there will be a lot of nice features on that
2060 to set the building off, and that's an important corner. Yes sir.
2061

2062 Mr. Branin - Last time you were here we discussed and I told you the only
2063 mistake you all were making was going to Tuckahoe first before Three Chopt, but that's
2064 neither here nor there. And then I was excited. You have a bunch of locations up in
2065 Northern Virginia. So I went into one of your stores just to check you out, see what it was
2066 like, see what Aldi was all about. And I bought three bananas, a couple bottles of water,
2067 and some grapes and so forth.

2068
2069 At checkout the lady said, "Okay, here's your change."

2070
2071 And I looked at her like she was a nut and said, "Where's my bag?"

2072
2073 And she said, "Oh, that's an additional ten cents."

2074
2075 Why do you charge ten cents for a bag?

2076
2077 Mr. Walls - It's really an easy question. The grocers who provide the bags,
2078 that's put into the price of the products. We've taken this from our European standard we
2079 have over there. We try to give the best bang we can for a product, so we encourage to
2080 bring in bags. We also sell them for ten cents. And we try to explain it. I'm sorry if they
2081 didn't explain it a little bit better. But we don't mark up our margins to account for cart
2082 pickups outside and also for the bags. And there are also other costs that you'll see that
2083 we have cost-saving for the store. The reason you can save 40 percent on most of our
2084 products, that's one of the big reasons right there. It's worked since the '50s. It is almost
2085 like a niche, though; it does catch on.

2086
2087 Mr. Branin - So one of the proffers I'll be looking for in Three Chopt, if you
2088 ever put one in, is you'll provide bags. Just saying.

2089
2090 Mr. Walls - Well I'm coming your way in three months, probably, so maybe
2091 I'll just build mine - I'll do something.

2092
2093 Mrs. Jones - Well.

2094
2095 Mr. Witte - Do plastic bags now cost ten cents?

2096
2097 Mr. Walls - They do. I mean, it is around that cost. We encourage the eco-
2098 friendly bags that we provide—that we sell for one dollar. We'd rather people—and it's
2099 neat to come in, though. You have customers sharing bags. We have customers leaving
2100 them up there. Once people get used to our system, it's more they come in and they enjoy
2101 it.

2102
2103 Mr. Leabough - Go to Sam's and Costco, they don't give you bags either.

2104
2105 Mr. Branin - No, they give you a box.

2106
2107 Mr. Leabough - That's if you can find one.

2108
2109 Mrs. Jones - I think people will respond well to the model. I know this has
2110 been a well-established model in many, many places, Europe and otherwise. So I'm sure
2111 we'll get with the program.
2112
2113 Mr. Wall - When we open each store in all the districts, whenever that
2114 may be, we'll have people there for one week or more just helping to train the customers
2115 to get used to it.
2116
2117 Mrs. Jones - Train the customers.
2118
2119 Mr. Branin - Welcome to Henrico.
2120
2121 Mr. Wall - Is that a proffer?
2122
2123 Mrs. Jones - That's good, that's good. All right.
2124
2125 Mr. Archer - If you all have any excess asphalt, could you fix that pothole
2126 on that back road that leads to McDonald's?
2127
2128 Mr. Wall - I've already got it covered.
2129
2130 Mr. Archer - Thank you so much.
131
2132 Mr. Wall - You talking about on the access drive off of Starling?
2133
2134 Mr. Archer - Yes.
2135
2136 Mr. Wall - I got it all covered. We're going to start taking care of that. That
2137 whole thing is getting re-milled and paved.
2138
2139 Mr. Archer - Okay.
2140
2141 Mr. Leabough - So you have one store in Tuckahoe. There's another store in
2142 Henrico, correct? Is that—
2143
2144 Mr. Wall - Staples Mill Road.
2145
2146 Mr. Leabough - Brookland district?
2147
2148 Mr. Wall - Yes. I'm going to award bids probably tomorrow or Friday to
2149 start construction hopefully in two weeks.
2150
2151 Mr. Leabough - And then your third location is in Colonial Heights, correct?
2152

2153 Mr. Wall - Correct. That will probably open the same time as Parham
2154 Road.
2155
2156 Mr. Leabough - And where is that located?
2157
2158 Mr. Wall - That is off of—you know when you get off the Temple Avenue
2159 exit you're heading towards the base? Take a right on
2160
2161 Mr. Leabough - Oh. By the Lowe's back there?
2162
2163 Mr. Wall - It's actually before that. Take a right on Charles Dimmock that
2164 leads you to the Walmart. We're literally right there on the other side of Sonic.
2165
2166 Mr. Leabough - Oh, where the dealership used to be.
2167
2168 Mr. Wall - Correct, yes. I had to take out a lot of landfill, so it's running a
2169 little bit behind.
2170
2171 Mr. Leabough - Okay, thank you.
2172
2173 Mrs. Jones - Anyone else? Okay. Then I will go ahead and make a motion
2174 for approval of the landscape plan for POD2014-00336, Aldi Grocery Store on North
2175 Parham Road. This is subject to the annotations on the plans and standard conditions for
2176 landscape plans.
2177
2178 Mr. Archer - Second.
2179
2180 Mr. Leabough - We have a motion by Mrs. Jones, a second by Mr. Archer. All
2181 in favor say aye. All opposed say no. The ayes have it; the motion passes.
2182
2183 The Planning Commission approved the landscape plan for POD2014-00336, Aldi
2184 Grocery Store, subject to the standard conditions attached to these minutes for landscape
2185 plans.
2186
2187 **LANDSCAPE PLAN**
2188
2189

<p>POD2014-00368 Phase II – Shoppes at Reynolds Crossing – 6627 West Broad Street (U.S. Route 250)</p>	<p>H&G Landscape Architects, PLC for Reynolds Holdings, LLC: 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 6.59-acre site is located on the southwest corner of the intersection of Glenside Drive and Forest Avenue, on parcel 765-744-3673. The zoning is B-2C, General Business District (Conditional) and B-3C, General Business District (Conditional). County water and sewer. (Tuckahoe)</p>
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2190 Mr. Leabough - Is there anyone in the audience in opposition to POD2014-
2191 00368, Phase II, Shoppes at Reynolds Crossing? There's no opposition. Mr. Garrison.

2192
2193 Mr. Garrison - This is a request for approval of a landscape plan for the
2194 Shoppes at Reynolds Crossing. The POD was approved by the Planning Commission at
2195 its July 24, 2013, meeting. The plan in the agenda addresses staff's comments regarding
2196 additional plant material at the base of the BMP, which is right in here; additional plant
2197 material around the sign, which is right in here; and additional plant material near the
2198 entrance, right in here off of Forest Avenue.

2199
2200 Staff recommends approval subject to the annotations on the plan and the standard
2201 conditions for landscape plans. Staff has not received any phone calls in opposition to this.

2202
2203 Mr. Leabough - Are there questions for Mr. Garrison? Any questions? If not,
2204 Mrs. Jones.

2205
2206 Mrs. Jones - Is there someone here for the applicant?

2207
2208 Mr. Garrison - Randy Biltz I believe is here.

2209
2210 Mrs. Jones - Okay. Mr. Biltz, can I ask you a question or two?

2211
2212 Mr. Biltz - I'm Randy Biltz with H & G Landscape Architects.

213
2214 Mrs. Jones - All right. Hi. Mr. Biltz, I'm sure it's kind of taking you by surprise
2215 that I'm calling you down here. This is the landscape plan. I didn't know if there was
2216 someone here that might be able to answer the other questions that I'm being asked daily
2217 as this project comes out of the ground. You probably don't know, but do you have any
2218 idea about the time frames for completing? This is the landscape plan, obviously, but do
2219 you know what the time frames are for the construction and the completion of that?

2220
2221 Mr. Biltz - I do not know. I know they are generally on schedule right now.
2222 I think it's like March that they're trying to have everything complete and open. They just
2223 got the steel up. I don't know the exact schedule at this point.

2224
2225 Mrs. Jones - How about your planting schedule? Will you be able to get
2226 everything in? If this approved today, will you be able to get everything in very quickly?

2227
2228 Mr. Biltz - They're not done with all the site grading yet, so the curb and
2229 gutter is not in around Glenside Drive or Forest. We're going to try to put the street trees
2230 in because you can efficiently plant trees all year around here. But a lot of decorative stuff
2231 up by the parking lot will probably wait to springtime. I'm going to make the assumption
2232 based on our current weather that we're going to have another cold winter. We lost a lot
2233 of plant material last year, so I'm trying to avoid some of the shrubbery and that type of
2234 material until we get through everything. Unless of course they get way ahead of schedule,
2235 and then we'll have to put it in.

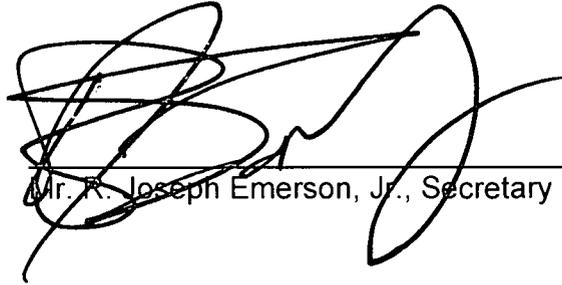
2236
2237 Mrs. Jones - But you can go ahead and put some of the trees in, get them
2238 going?
2239
2240 Mr. Biltz - Correct.
2241
2242 Mrs. Jones - Okay. Well, thank you. I just thought I'd fish for some answers
2243 there. Thank you.
2244
2245 Mr. Branin - Mrs. Jones, I think when I—because I've been watching this
2246 one go up—they're looking at mid spring.
2247
2248 Mrs. Jones - That's what I think he indicated, yes.
2249
2250 Mr. Branin - It's what Evans had told me.
2251
2252 Mrs. Jones - Okay, very good. That's all I needed, thank you. Anybody else?
2253 All right. With that then I make a motion here for the approval of the landscape plan for
2254 POD2014-00368, Phase II, Shoppes at Reynolds Crossing, subject to the annotations that
2255 are on the plans and standard conditions for landscape plans.
2256
2257 Mr. Branin - Second.
2258
2259 Mr. Leabough - We have a motion by Mrs. Jones, a second by Mr. Branin. All
2260 in favor say aye. All opposed say no. The ayes have it; the motion passes.
2261
2262 The Planning Commission approved the landscape plan for POD2014-00368, Phase II,
2263 Shoppes at Reynolds Crossing, subject to the standard conditions attached to these
2264 minutes for landscape plans.
2265
2266 Mr. Emerson - Mr. Chairman, that takes us to the last item on your agenda,
2267 which is the consideration of the approval of the minutes from the October 22, 2014
2268 meeting. Staff did not receive any corrections, so therefore there is no errata sheet.
2269
2270 APPROVAL OF MINUTES: October 22, 2014
2271
2272 Mr. Leabough - All right.
2273
2274 Mr. Branin - I move for approval of the minutes.
2275
2276 Mr. Witte - Second.
2277
2278 Mr. Leabough - We have a motion for approval of the minutes by Mr. Branin, a
2279 second by Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the motion
2280 passes.
2281

2282 The Planning Commission approved the October 22, 2014 minutes as presented.
2283
2284 Mrs. Jones - I abstain because I was not at the meeting.
2285
2286 Mr. Leabough - For the record, Mrs. Jones abstains. Before we adjourn, I
2287 would like to thank—and I forgot to do this earlier and I apologize—staff for all of their work
2288 as it relates to the Lumber Liquidators case from Traffic to Planning staff. We probably had
2289 just about every department head in the County out at the meeting on Monday night. So
2290 we do appreciate all the time and effort that's gone into that case. I know there were only
2291 six or seven homeowners impacted, but if it was just one homeowner it's still important
2292 that we all do the best we can for them. So we appreciate your time and effort.
2293
2294 Mr. Branin - And Mr. Chairman, on our case on Twin Hickory, the comment
2295 was made—and I meant to bring you down, Traffic, and didn't have an opportunity. Could
2296 you look into crosswalks and so forth and get back to Mr. Kaechele and me?
2297
2298 Mr. Kaechele - Well I'll follow up with that.
2299
2300 Mr. Branin - Okay.
2301
2302 Ms. Smidler - Sharon Smidler, assistant traffic engineer of Henrico. Yes, we
2303 heard from Wyndham Forest Homeowners Association yesterday, and we started looking
2304 into it, what they're concerned about—a sidewalk along the Fas Mart side, along Wyndham
2305 Forest Drive. So we'll look into it, maybe see if we can do a CIP project.
2306
2307 Mr. Branin - Yes, because we've done a great job getting the road, the path
2308 originally paved down Shady Grove.
2309
2310 Ms. Smidler - Yes.
2311
2312 Mr. Branin - And then the sidewalk, finishing it and coming down alongside.
2313 So we pretty much have it ringed for school traffic, which is most of the foot traffic. And
2314 with our park there now. So if we could look at a crosswalk there, that would be great.
2315
2316 Ms. Smidler - Yes. We'll continue to look into that.
2317
2318 Mr. Branin - Thanks.
2319
2320 Ms. Smidler - Thank you.
2321
2322 Mr. Leabough - Anything else from the Commission? If not, I motion for
2323 adjournment.
2324
2325 Mr. Archer - Second.
2326
2327

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Mr. Eric Leabough, Chairman.



Mr. 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 **November 19, 2014**, 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.

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.
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.
- 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.

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 **November 19, 2014**, 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.
33. The mechanical equipment for each building shall be located on its respective lot. Except for wall-mounted electric meters, in no case shall the eight-foot easement for construction, drainage, and maintenance access on the abutting lot be used to locate other mechanical equipment (such as HVAC equipment, generators, and the like) for the subject lot.

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)**

CONDITIONAL SUBDIVISION STANDARD CONDITIONS

Standard Conditions for Conventional Subdivisions Served By Public Utilities Public Water and/or Sewer

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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **November 19, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **November 18, 2015**, 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.

Standard Conditions for Conventional Subdivisions Not Served By Public Utilities

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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **November 19, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **November 18, 2015**, 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

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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **November 19, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **November 18, 2015**, 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

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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **November 19, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **November 18, 2015**, 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.

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

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 Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **November 19, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **November 18, 2015**, 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.