

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 Spring Roads beginning at 9:00 a.m. Wednesday, October 23, 2013.
4

Members Present: Mrs. Bonnie-Leigh Jones, Chairperson, C.P.C. (Tuckahoe)
Mr. Eric Leabough (Varina), Vice Chairman
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Tommy Branin, (Three Chopt)
Mr. Robert H. Witte, Jr. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. Richard W. Glover,
Board of Supervisors' Representative

Others Present: Mr. David D. O'Kelly, 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. Matt Ward, County Planner
Mr. Gregory Garrison, AICP, County Planner
Ms. Aimee B. Crady, AICP, County Planner
Mr. John Cjeka, Traffic Engineering
Ms. Sharon Smidler, Traffic Engineering
Mr. Eric Dykstra, Office Assistant/Recording Secretary

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

9 Mrs. Jones - Good morning. I'd like to call to order this meeting of the
10 Planning Commission for Subdivisions and Plans of Development. Welcome to all of you
11 who have joined us this morning. I would ask that you mute or turn off your cell phones
12 as a courtesy to others for the duration of this meeting. I apologize for us being slightly
13 late, but important things are going on. With that I'd ask that you rise and Pledge
14 Allegiance to the flag.
15

16 Thank you. All our commissioners are with us this morning. We do have a quorum; we
17 can conduct business. I also welcome Mr. Glover, who is the supervisor from the
18 Brookland District who will be with us this year for the Planning Commission. He would
19 like to have noted for the record that he does not vote on these cases unless needed.
20

21 We have a fairly short agenda, but with that I will turn it over to our secretary of the
22 Commission, Mr. Emerson.
23

24 Mr. Emerson - Yes, Madam Chair. First on your agenda are the requests for
25 deferrals and withdrawals. Those will be presented by Ms. Leslie News.

26
27 Mrs. Jones - Good morning, Ms. News.

28
29 Ms. News - Good morning, Madam Chair, members of the Commission.
30 We have three requests for deferral on our agenda this morning. The first item is on
31 page five of your agenda and is located in the Brookland District. This is SUB2013-
32 00131, Dumbarton (September 2013 Plan) for four lots. The applicant has requested a
33 deferral to the November 20, 2013, meeting.

34
35 *(Deferred from the September 25, 2013 Meeting)*

36
37 **SUBDIVISION - DOUBLE FRONTAGE EXCEPTION**

38
SUB2013-00131 **Balzer and Associates, Inc. for Village Bank:** The 3.07-
Dumbarton acre site proposed for a subdivision of 4 single-family
(September 2013 Plan) - homes is located on the north line of Greenway Avenue,
3030 Greenway Avenue and the south line of Irisdale Avenue, approximately 195
feet east of Greendale Road, on parcels 775-745-9842,
776-745-1246, 775-745-8761, 775-745-9463, 776-745-
0165, and 776-745-0968. The zoning is R-4, One-Family
Residential District. County water and sewer. **(Brookland)**
4 Lots

39
40 Mrs. Jones - Is anyone with us this morning in opposition to the deferral of
41 SUB2013-00131, Dumbarton (September 2013 Plan)? There is no opposition.

42
43 Mr. Witte - Madam Chair, I move for deferral of SUB2013-00131,
44 Dumbarton (September 2013 Plan), by the request of the applicant, to the November 20,
45 2013 meeting.

46
47 Mr. Leabough - Second.

48
49 Mrs. Jones - Motion by Mr. Witte, second by Mr. Leabough. All in favor say
50 aye. All opposed say no. The ayes have it; the motion passes.

51
52 At the request of the applicant, the Planning Commission deferred SUB2013-00131,
53 Dumbarton (September 2013 Plan), to its November 20, 2013 meeting.

54
55 Ms. News - The next item is on page 16 of your agenda and located in
56 the Varina District. This is POD2013-00279, EnviroScape Inc. Office and Service
57 Building. The applicant has requested a deferral to the November 20, 2013 meeting.

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61 (Deferred from the September 25, 2013 Meeting)

62

63 **PLAN OF DEVELOPMENT**

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POD2013-00279 **Draper Aden Associates for Atack ME Tech Park Partners, LLC and Enviroscope, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 10,000-square foot-office warehouse facility. The 4.07-acre site is located along the west line of Techpark Place, approximately 1,590 feet south of Technology Boulevard, on part of parcel 844-704-9230. The zoning is M-2C, General Industrial District (Conditional). County water and sewer. **(Varina)**

65

66 Mrs. Jones - Is there anyone in opposition to the deferral of POD2013-
67 00279, Enviroscope Inc. Office and Service Building? There is no opposition.

68

69 Mr. Leabough - Madam Chair, I move that we defer POD2013-00279,
70 Enviroscope Inc. Office and Service Building, per the applicant's request, to the
71 November 20, 2013 meeting.

72

73 Mr. Witte - Second.

74

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

77

78 At the request of the applicant, the Planning Commission deferred POD2013-00279,
79 Enviroscope Inc. Office and Service Building, to its November 20, 2013 meeting.

80

81 Ms. News - The final item is on page 21 of your agenda and located in
82 the Brookland District. This is POD2013-00323, Car Pool at 5816 West Broad Street.
83 There is a request by the Planning Commission to defer this to the November 20, 2013
84 meeting.

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97 **PLAN OF DEVELOPMENT**

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POD2013-00323
Car Pool - 5816 W. Broad
Street (U.S. Route 250)
(POD-34-02 Rev.)

Bowman Consulting Group, Ltd. for Mercer Island Holdings, LLC and Car Pool, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to demolish an existing 3,153-square-foot fast food restaurant, and construct a one-story, 5,000-square-foot car wash facility with a 2,200-square-foot canopy structure. The 1.0-acre site is located at the northeast corner of the intersection of W. Broad Street (U.S. Route 250) and Bremono Road, on parcel 771-740-3047. The zoning is B-3, Business District. **(Brookland)**

99
100 Mrs. Jones - Is there opposition to the deferral of POD2013-00323, Car
101 Pool, 5816 West Broad Street? There is no opposition.

102
103 Mr. Witte - Madam Chair, I move for deferral of POD2013-00323, Car
104 Pool, 5816 West Broad Street, by the request of the Planning Commission, to the
105 November 20, 2013 meeting.

106
107 Mr. Leabough - Second.

108
109 Mrs. Jones - Motion by Mr. Witte, second by Mr. Leabough. All in favor say
110 aye. All opposed say no. The ayes have it; the motion passes.

111
112 At the request of the Planning Commission, the Planning Commission deferred
113 POD2013-00323, Car Pool, 5816 West Broad Street, to its November 20, 2013 meeting.

114
115 Ms. News - Staff is not aware of any further request for deferral.

116
117 Mr. Emerson - Madam Chair, the Commission has no more deferrals to
118 consider at this time. Next on your agenda is the expedited agenda, and we have no
119 items on the expedited agenda this morning. That takes us to Subdivision Extensions of
120 Conditional Approval, which will be presented by Mr. Kevin Wilhite.

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32 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 133 **FOR INFORMATIONAL PURPOSES ONLY**
 134

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2012-00131 Townes at Woodman (Formerly Woodman Glen Townes) (October 2012 Plan)	82	4	0	Fairfield	10/22/2014

135
 136 Mrs. Jones - Good morning, Mr. Wilhite.

137
 138 Mr. Wilhite - Good morning.

139
 140 Mr. Wilhite - We have one subdivision that appears on the agenda for
 141 extension of conditional approval. This is the Townes at Woodman located in the
 142 Fairfield District. This is an 82-lot townhouse development. Final approval has been
 143 granted to 78 of these lots; there are four remaining. We expect approval to be given to
 144 the last four very shortly. This is an extension handled administratively. The Planning
 145 Commission does not have to take any action, but I'll be happy to answer any questions
 146 that you have.

147
 148 Mrs. Jones - Questions for Mr. Wilhite. No sir. Thank you very much.

149
 150 Mr. Emerson - Madam Chair, that now takes us to page three of your regular
 151 agenda.

152 **TRANSFER OF APPROVAL**
 153
 154

POD-97-82 and 85-85
 POD2012-00491;
 POD2012-00495;
 POD2012-00496
 Handi Stop (Formerly Fas Gas & Fas Mart Convenience Stores, Inc.) – 15 and 17 Hanover Road

Ashok Parikh for Shreemad Realty, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Industrial Developers, Inc., Evans Construction Company, F.B. Bradley, K.W. Ayscue, and L.A. Duke, Jr. et. als to Shreemad Realty, LLC. The 1.894-acre site is located on the east line of Hanover Road, approximately 60 feet north of Nine Mile Road (State Route 33), on parcels 827-718-4093 and 5584. The zoning is M-1, Light Industrial District, and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

155

233 Ms. Goggin - Good morning again.
234
235 Mrs. Jones - Good morning.
236
237 Ms. Goggin - This subdivision proposes 23 townhomes for sale with access
238 to be provided from Poplar Forest Drive, which is this road here. At the time of the
239 preparation date of this agenda, Public Works Traffic Division could not recommend
240 approval of the plan as submitted because right-of-way dedication was required for the
241 property frontage. Since then, the applicant has received an exception by the director of
242 Public Works to waive the turn lane along Ridgefield Parkway because the lack of a
243 right-turn lane is—
244
245 Mrs. Jones - Excuse me. Ms. Goggin, we can barely hear you.
246
247 Ms. Goggin - Okay.
248
249 Mrs. Jones - Thank you. I'm sorry, but it's hard to hear.
250
251 Ms. Goggin - Okay. The lack of a right turn lane is consistent with the
252 surrounding roadway network, and a right turn lane would promote cut-through traffic
253 onto Poplar Forest Drive. There is an existing sidewalk along Ridgefield Parkway that will
254 remain along the Ridgefield frontage, which is why staff is deleting Condition # 14 in the
255 agenda.
256
257 With this, staff can recommend approval. Should the Commission act on this request, in
258 addition to the standard conditions for residential townhouses, additional conditions # 15
259 through # 19, as numbered in your addendum, are recommended. I would be happy to
260 answer any questions the Commission may have for me. Cameron Palmore, the
261 engineer, is here today should you have any questions for him.
262
263 Mrs. Jones - All right. Ms. Goggin, we talked about this. And basically, the
264 discussion point was the exception request.
265
266 Ms. Goggin - Yes, ma'am.
267
268 Mrs. Jones - That has now been thoroughly resolved.
269
270 Ms. Goggin - Yes, ma'am.
271
272 Mrs. Jones - Okay. Any questions from the commission for Ms. Goggin?
273 All right, thank you very much. I would like to hear from Public Works, if I could, please.
274
275 Ms. Smidler - Good morning.
276
277 Mrs. Jones - Good morning.
278

280 Ms. Smidler - My name is Sharon Smidler. I am the assistant traffic
281 engineer in the Department of Public Works.

282 Mrs. Jones - Ms. Smidler, we talked about this previously, but just to make
283 sure that we are straight could you discuss the nature of the exception request and why
284 it was granted.

285 Ms. Smidler - Yes. We gave careful consideration to not allowing the right-
286 turn lane to be constructed. We looked at the surrounding roadway network such as the
287 Gayton Terrace community. Locust Grove and Cutler Ridge Drive do not have right-turn
288 lanes, and they're all residential roads. Ridgefield Parkway is an existing roadway, and
289 there were no right-turn lanes constructed with it. It's consistent with the rest of the area
290 out there.
291

292 Mrs. Jones - Okay. I think those are all my questions to you. You may
293 need to come up after the opposition. Thank you very much. Are there other questions?
294 Okay, thanks. We'll hear opposition after the secretary runs through the rules for
295 opposition discussion at the Commission.
296

297 Mr. Emerson - Yes. Madam Chair. As you noted, the Commission does have
298 rules and regulations governing public hearings. The applicant is allowed ten minutes to
299 present the request, and time may be reserved to responses to testimony. Opposition is
300 allowed ten minutes to present its concerns. Commission questions do not count into the
301 time limits. The Commission may waive the time limits for either party at its discretion.
302 Comments must be directly related to the case under consideration.
303

304 Mrs. Jones - All right. At this point, if there is opposition, I would like you to
305 come forward.
306

307 Ms. Hamilton - For the record, my name is Karen Hamilton. And I'm opposed
308 to this because I'm opposed to the density of this. We already have way too much in the
309 way of housing, apartments, condominiums, and shopping centers. There is no place
310 where you're going to fulfill the Western Hemisphere Treaty, which says we must leave
311 habitat for wildlife. In particular, it addresses migratory birds. I can assure you that
312 whatever plantings they're going to do are going to be the small kinds of trees that don't
313 benefit the birds. What they're going to do is they're going to in there—if there are trees
314 now, and there probably are, they're going to go down and clear-cut everything. You're
315 going to let them. You're going to issue a permit in the spring. Just so you know, nesting
316 season begins in January for owls, great blue herons, and other large birds of prey. So
317 it's now October. I'm guessing that they're going to be cutting trees in the start of nesting
318 season. So, they are going to be violating the Migratory Bird Treaty Act. They are going
319 to violate the Western Hemisphere Treaty. And these are constitutional laws.
320

321 So aside from that, I'm opposed to the density. It's already way too crowded out there.
322 And I'm wondering—my question to you today is *when* are you *ever* going to stop? When
323

324 does this ever end? The density out there, the traffic out there, it's horrible. And there's
325 no place for wildlife. When are you ever, ever going to care about wildlife?

326
327 Mrs. Jones - Thank you. Any other questions or comments? All right. This
328 is a subdivision approval. I have no further questions. and I'm satisfied with the nature of
329 the exception. The zoning is in place. The density is set. I'd like to move for approval of
330 SUB2013-00148, The Towns at Ridgefield (October 2013 Plan), with the standard
331 conditions for residential townhouses and the additional conditions as numbered in the
332 addendum, # 15 through # 19.

333
334 Mr. Branin - Second.

335
336 Mrs. Jones - Motion by Mrs. Jones, second by Mr. Branin. All in favor say
337 aye. All opposed say no. The ayes have it; the motion passes.

338
339 The Planning Commission granted conditional approval to SUB2013-00148, The Towns
340 at Ridgefield (October 2013 Plan), subject to the standard conditions attached to these
341 minutes for subdivisions served by public utilities, the annotations on the plans, and the
342 following additional conditions:

- 343
344 **15. 13.** The details for the landscaping to be provided within the 15-foot-wide planting
345 strip easement along Ridgefield Parkway shall be submitted to the Department
346 of Planning for review and approval prior to recordation of the plat.
- 347 **14.** ~~DELETED - A County standard sidewalk shall be constructed along the south~~
348 ~~side of Ridgefield Parkway.~~
- 349 **16. 15.** Any necessary offsite drainage easements must be obtained prior to final
350 approval of the construction plan by the Department of Public Works.
- 351 **17. 16.** The final plat for recordation shall contain information showing The Chesapeake
352 Bay Preservation areas, if any, in accordance with Chapter 19, Section 19-72
353 (18), of the Henrico County Code, as determined by the Director of Public
354 Works.
- 355 **18. 17.** The final plat shall contain a statement that this subdivision is on an abandoned
356 coal mine site. The wording shall be approved by the Planning Staff and the
357 County Attorney, and shall be conspicuous on the face of the plat.
- 358 **19. 18.** Before the plat is recorded, the developer shall submit to the Department of
359 Planning a detailed report prepared by a qualified professional engineer
360 specifying the proposed treatment of mine shafts and scars. The report shall be
361 reviewed by the Design Division of Public Works, and shall be made a part of
362 the construction plans approved for the subdivision.

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370 **PLAN OF DEVELOPMENT**

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POD2013-00041
7-Eleven at 5200
Williamsburg Road – 5200
Williamsburg Road (U.S.
Route 60)

Balzer and Associates, Inc. for Restaurantur, Inc. and Morgan Property Group: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 2,940-square-foot convenience store with fuel pumps. The 1.37-acre site is located at the northeastern corner of the intersection of Williamsburg Road (U.S. Route 60) and Oakleys Lane and on the south line of Airport Square Lane, on parcel 818-714-6133, and part of parcel 818-714-8235. The zoning is B-3, Business District and ASO, Airport Safety Overlay District. County water and sewer.
(Varina)

372

373 Mrs. Jones - Good morning again, Ms. Goggin. Is anyone with us this
374 morning in opposition to POD2013-00041, 7-Eleven at 5200 Williamsburg Road? We do
375 have opposition. Thank you.

376

377 Ms. Goggin - The applicant requests approval to construct a new 7-Eleven
378 convenience store with fuel pumps on a currently vacant parcel fronting the rights-of-way
379 of Williamsburg Road, Oakleys Lane, and Airport Square Lane.

380

381 The proposed building will be entirely brick with three varying tones, with cornices and
382 glass storefront facing Williamsburg Road. There is the color elevation. The fuel canopy
383 will have brick columns and a standing seam metal mansard roof with dark bronze and
384 white fascia.

385

386 The proposed layout meets the B-3 zoning requirements and provides adequate parking
387 and circulation, and including right-of-way dedication and sidewalk to be provided along
388 Oakleys Lane. Here's Oakleys Lane.

389

390 The conceptual right-turn lane detail shown on the developer's submittal will be refined
391 during the formal plan review process and will not need a conventional turn lane. The
392 proposed BMP will be underground.

393

394 Notice letters were mailed to the adjacent property owners, and staff had not been
395 contacted concerning this request. Staff can recommend approval subject to the
396 annotations on the plan, the standard conditions for convenience stores with fuel pumps
397 in a B-3 zone, and additional conditions # 29 through # 36 in the agenda. I would be
398 happy to answer any questions the commission may have for me. Scott Freeman, the
399 developer, and Chris Shust, the engineer, are also here should you have any questions
400 for them.

401

402 Mrs. Jones - Questions for Ms. Goggin?

403

404 Mr. Leabough - I have a traffic-related question, so if we could have the traffic
405 engineer or assistant traffic engineer step up.

406

407 Ms. Smidler - Good morning. I'm Sharon Smidler, assistant traffic engineer.
408

409 Mr. Leabough - Good morning. There has been a lot of discussion regarding
410 this case in relationship to the turn lane on Oakleys. We've kind of gone back and forth in
411 terms of whether it be a right-in/right-out, right-in only, whether we would allow a left turn
412 out of that site. So the site plan today, it looks like it's right-in only, correct?
413

414 Ms. Smidler - Correct, yes.
415

416 Mr. Leabough - Are you all as staff comfortable with that?
417

418 Ms. Smidler - Yes, we are.
419

420 Mr. Leabough - And the reason I ask that, if you go down the street to Airport
421 and Audubon and the Wawa there, the traffic issues, the traffic backups given the
422 proximity of the entrance to the Wawa and Airport Drive. It's horrendous to try to get out
423 of there at a busy time during the day. That was the same concern. I heard from
424 neighbors in the area that there were concerns related to traffic and that Oakleys is a
425 pretty heavily traveled road. So you all are comfortable with a right-in only addressing the
426 concerns about the ability to make the left out of that site and the traffic issues related to
427 that.

428

429 Ms. Smidler - We are okay with the right-in only based on a field visit and
430 going out there. Yes.
431

432 Mr. Leabough - And you don't think that there will be people that will try to
433 make that left out of that right-in only.
434

435 Ms. Smidler - We are going to plan to work with the developer and the
436 engineer to minimize the potential illegal movements of people trying to exit here by
437 maybe bringing the nose down here and trying to minimize people turning left in there.
438 Again, it's a right-only, and we're going to work with the developer and the engineer to
439 fine-tune that to prevent people from not using it properly.
440

441 Mr. Leabough - Okay. Thank you.
442

443 Mrs. Jones - Would you like to hear from the applicant, or the opposition,
444 or how would you like to do that?
445

446 Mr. Leabough - Opposition.
447

448 Mrs. Jones - Okay. Opposition, please.
449

450 Ms. Hamilton - For the record, my name is Karen Hamilton. And I would like
451 all of you to use your microphones better because every meeting I come to, I particularly
452 have trouble hearing some of you. And I have good hearing, by the way. I was out in the
453 lobby. I couldn't hear you in particular, Mrs. Jones. So, you know, you really need to
454 speak up because there are people out there too.

455
456 I'm opposed to this because I've lived near a gas station. In fact, right beside one for 11
457 years. And I can tell you how noisy it is to have the gasoline trucks that are delivering the
458 gasoline, to have people coming and going, getting gasoline. It's very noisy. But you're
459 also creating an ozone hazard for those neighbors that are there. So it's not just a traffic
460 hazard. And this woman, that she's satisfied? That's great. And the neighbors? You
461 know what? They didn't show up because you always say yes to everything anyway.
462 They know that there's no point in them coming here. But me? I'm going to speak up for
463 those people that didn't show up this morning that live in that neighborhood because you
464 have no idea what kind of harm you're going to do to them just from the noise alone and
465 the traffic alone. And this woman, she doesn't live beside it. So yeah, she's satisfied.

466

467 Mrs. Jones - How would you like to proceed?

468

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

470

471 Mrs. Jones - All right. Could the applicant come down, please?

472

473 Mr. Theobald - [Speaking off microphone.] Would you like the engineer or the
474 representative?

475

476 Mr. Leabough - You pick.

477

478 Mr. Theobald - Good morning Madam Chair, gentlemen. I'm Jim Theobald
479 and I'm here actually representing the owners of the property, the Ripp family, who own
480 the Arby's next door and have been working with the applicant and the folks from
481 7-Eleven to try to construct this new facility on the corner. I'd be happy to answer any
482 questions.

483

484 Mr. Leabough - If you have a question, go ahead.

485

486 Mrs. Jones - No, I don't. I was just going to say if you wouldn't mind just
487 speaking up in the microphone.

488

489 Mr. Leabough - Yes. Mr. Theobald, what's going to happen with the—I'm not
490 sure if the opposition is aware of this, but there is a 7-Eleven that exists across the
491 street. What's going to happen to that 7-Eleven?

492

493 Mr. Theobald - That's an older facility without gas pumps, so it just sells
494 convenience items. It's not owned by the Ripp family or by 7-Eleven; it's owned by a
495 private owner and apparently leased to 7-Eleven. That store will close. What the current

496 owner will do with it, I don't know. He could allow another retail user in there. I think most
497 of that property along Williamsburg Road is zoned unrestricted B-3, if I'm not mistaken.

498
499 Mr. Leabough - Okay.

500
501 Mr. Theobald - The 7-Eleven will close.

502
503 Mr. Leabough - Thank you. I did get a call from a property owner that's
504 behind the existing 7-Eleven related to trash, debris, the fence. There are some fence
505 issues. Staff went out and addressed that. Part of the challenge is that there is right-of-
506 way there that the 7-Eleven doesn't own. But from what I understand from the property
507 owner, they have been a good neighbor. I'm hoping that you all will continue to be a
508 good neighbor as well, across the street, in terms of making sure that trash doesn't
509 accumulate behind the property. Any sort of deficiencies, you all stay on top of that.

510
511 Mr. Theobald - Yes, sir. That's clearly our interest. This is an over
512 \$2,000,000 investment on Williamsburg Road in the Enterprise Zone. We certainly want
513 to keep it looking pristine. The Arby's looks great. As you know, the Ripps really maintain
514 their property. And this is combined. It shares parking, and access, and everything else.
515 If there is a problem, someone will let us know, I'm sure.

516
517 Mr. Leabough - Ms. Crawly behind you will definitely call you. The other thing
518 I'd like to do is thank you and staff for your efforts. I think we've been working on this for
519 what, six months, maybe longer.

520
521 Mr. Theobald - Maybe longer, right.

522
523 Mr. Leabough - So thank you. We've been back and forth on the whole turn
524 lane or the right-in/right-out. So thank you all for working on that.

525
526 Mr. Theobald - You're welcome. And I appreciate everyone's efforts as well.

527
528 Mr. Leabough - Okay.

529
530 Mrs. Jones - Other questions for Mr. Theobald? All right.

531
532 Mr. Theobald - Thanks.

533
534 Mr. Leabough - I move for approval of POD2013-00041, 7-Eleven at 5200
535 Williamsburg Road, subject to annotations on the plan, standard conditions for
536 developments of this type, and additional conditions # 29 through # 36 as noted in the
537 agenda.

538
539 Mr. Branin - Second.

540

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

543
544 The Planning Commission approved POD2013-00041, 7-Eleven at 5200 Williamsburg
545 Road, subject to the annotations on the plans, the standard conditions attached to these
546 minutes for developments of this type, and the following additional conditions:

- 547
548 29. The right-of-way for widening of Oakleys Lanes as shown on approved plans shall
549 be dedicated to the County prior to any occupancy permits being issued. The
550 right-of-way dedication plat and any other required information shall be submitted
551 to the County Real Property Agent at least sixty (60) days prior to requesting
552 occupancy permits.
- 553 30. The entrances and drainage facilities on Williamsburg Road (U.S. Route 60) shall
554 be approved by the Virginia Department of Transportation and the County.
- 555 31. A concrete sidewalk meeting County standards shall be provided along the east
556 side of Oakleys Lane.
- 557 32. Approval of the construction plans by the Department of Public Works does not
558 establish the curb and gutter elevations along the Henrico County maintained
559 right-of-way. The elevations will be set by Henrico County.
- 560 33. Approval of the construction plans by the Department of Public Works does not
561 establish the curb and gutter elevations along the Virginia Department of
562 Transportation maintained right-of-way. The elevations will be set by the
563 contractor and approved by the Virginia Department of Transportation.
- 564 34. Evidence of a joint ingress/egress and maintenance agreement must be
565 submitted to the Department of Planning and approved prior to issuance of a
566 certificate of occupancy for this development.
- 567 35. Outside storage shall not be permitted.
- 568 36. The location of all existing and proposed utility and mechanical equipment
569 (including HVAC units, electric meters, junctions and accessory boxes,
570 transformers, and generators) shall be identified on the landscape plan. All
571 building mounted equipment shall be painted to match the building, and all
572 equipment shall be screened by such measures as determined appropriate by the
573 Director of Planning or the Planning Commission at the time of plan approval.

574
575 **LANDSCAPE PLAN**

576
577 POD2013-00309 **E.D. Lewis and Associates, P.C. for Gaskins and**
578 Grayson Hill, Section 4 - **Patterson, Inc.:** Request for approval of a landscape plan,
9511 Patterson Avenue as required by Chapter 24, Section 24-106 of the Henrico
(State Route 6) County Code. The 9.08-acre site is located at the
northeast corner of the intersection of N. Gaskins Road
and Derbyshire Road, on parcel 744-740-6932. The
zoning is RTHC, Residential Townhouse District
(Conditional). County water and sewer. **(Tuckahoe)**

577
578 Mrs. Jones - Good morning, Mr. Garrison.

579
580 Mr. Garrison - Good morning.
581
582 Mrs. Jones - Do we have opposition to the landscape plan for POD2013-
583 00309, Grayson Hill, Section 4? We do have opposition.
584
585 Dr. Nelson - I don't know if it's opposition or clarification.
586
587 Mrs. Jones - Certainly. We'll call you down.
588
589 Mr. Garrison - The applicant is requesting approval of a landscape plan for
590 Section 4 of Grayson Hill. This plan includes a portion of the Gaskins Road buffer south
591 of the Gaskins Road entrance, streetscape and foundation plantings.
592
593 Staff has not received any calls in opposition to this plan. The plant quantity and quality
594 are consistent with previously approved landscape plans and proffered conditions from
595 C-35C-04. Therefore, staff can recommend approval. Staff and representatives of the
596 applicant are available to answer any questions that you may have.
597
598 Mrs. Jones - Thank you. Questions for Mr. Garrison? All right, thank you.
599 Sir, if you would like to come down, state your name for the record, and we'll see if we
600 can't get your question answered.
601
602 Dr. Nelson - Madam Chair, I'm Dr. Bill Nelson. I live on Branway Drive,
603 which enters Derbyshire on the south side just opposing the south border of the property.
604 I apologize for not being up to speed on this and getting the answer beforehand, but I'm
605 used to a different process.
606
607 My prime concern is the south side of the property and how the landscape plan would
608 impinge on the line of sight and the view for people that live south of Derbyshire and
609 drive on that road every day. They all take a left and right turn, and that's what they see.
610 So I would like to hear how the landscape plan would affect that and what the visual
611 barriers would be.
612
613 We're really grateful to the developer. They do a great walking path and a sidewalk. And
614 from what I can see of the development, the internal landscaping looks terrific and I
615 wouldn't have a problem with that.
616
617 Mrs. Jones - All right. Dr. Nelson, thank you. We will call the applicant up
618 in just a moment to get an answer to your question, to describe that. Let me have the
619 other opposition, and then we'll proceed.
620
621 Ms. Hamilton - For the record, my name is Karen Hamilton, and you know
622 my objections, but I'm going to say it anyway. The landscaping and lighting are going to
623 affect the migratory birds, endangered species, and other birds. What happens is you
624 have these little trees. You've already torn down the forest, so the birds have to nest

625 somewhere. So they come in, they nest in these trees. And then at night, voila, the lights
626 from the landscaping and all of the lights for the parking lots disturb them. If you cause
627 birds to abandon their nests you have violated the Federal Migratory Bird Treaty law.
628 And noise. There's actually case law on the books where people made so much noise
629 that they scared the birds away, so the parent birds abandoned the nest with the eggs or
630 chicks inside it, and that violated the Migratory Bird Treaty Act.

631
632 So just so you know, your "cheapo" landscaping with your "little bitty" trees and your
633 lighting is still violating those laws.

634
635 Mrs. Jones - If I could have the applicant come down, please, to discuss a
636 number of things.

637
638 Mr. Scottow - Good morning. My name is Gary Scottow, and I'm here
639 representing the applicant. I'm with E. D. Lewis and Associates.

640
641 Mrs. Jones - All right. Good morning, Mr. Scottow. Would you discuss the
642 Derbyshire landscaping, please?

643
644 Mr. Scottow - Sure. Just to let you know, when we put together a landscape
645 plan, one of the things that we focus on is we take the site plan, essentially, and use all
646 the parameters from that site plan as our basis for our landscape plan.

647
648 At the intersection of Derbyshire and Gaskins Road there's a sight distance easement
649 that runs across the frontage of our property. Basically, we have to keep our landscaping
650 out of the sight distance, and that's what we've done. There is the sight distance line that
651 runs across there, and all of the landscaping is behind that, so there shouldn't be any
652 issue with sight distance along that intersection.

653
654 Mrs. Jones - The Derbyshire length of the property, the buffer there, the
655 landscaping there, could you discuss the plantings that will be there as they relate to
656 Dr. Nelson's question about not so much sight lines, but what it will look like.

657
658 Mr. Scottow - Well, a lot of the landscaping that was done originally—can
659 you drag that over?

660
661 Mrs. Jones - This is not along Gaskins; this is along Derbyshire.

662
663 Mr. Scottow - Right. That was actually done under a previous section. If you
664 notice right there, there's a note that says the landscape buffer along that section of
665 Derbyshire was actually put in there under Section 2. A lot of that material is basically
666 still there. And there is an existing woods line that runs along that entire line.

667
668 Mrs. Jones - Which will be undisturbed.

669
670 Mr. Scottow - Undisturbed, correct.

671
672 Mrs. Jones - Although dead and diseased plantings—
673
674 Mr. Scottow - They have to be replaced.
675
676 Mrs. Jones - —will be replaced. Okay. So that, I would hope, answers your
677 question.
678
679 Dr. Nelson - [Speaking off microphone; inaudible.]
680
681 Mrs. Jones - I'm sorry. We're going to have to get you to come back up in
682 a moment. Are there any additional plantings that will modify the view for folks coming
683 out of Branway?
684
685 Mr. Scottow - Branway, which is further down?
686
687 Mrs. Jones - Yes.
688
689 Mr. Scottow - That's not under this section.
690
691 Mrs. Jones - Okay.
692
693 Mr. Scottow - That will be handled under a separate section.
694
695 Mrs. Jones - Well, it actually—
696
697 Mr. Scottow - It's under Section 5.
698
699 Mrs. Jones - Yes.
700
701 Mr. Scottow - They're further down. You're talking about Branway further
702 down this way.
703
704 Mrs. Jones - Yes.
705
706 Mr. Scottow - Right. That will be handled under a separate section.
707
708 Mrs. Jones - It's still within the area that's affected by the views of the
709 development.
710
711 Mr. Scottow - Correct. But again, there's a section line that basically
712 happens right there.
713
714 Mrs. Jones - I know.
715

716 Mr. Scottow - And that's all being handled under the buffer plan for Section
717 5, which will be coming back in the future.
718
719 Mrs. Jones - Right, right. Okay?
720
721 Mr. Scottow - Okay.
722
723 Mrs. Jones - I am satisfied with the landscape plan because it does carry
724 through the quality that has been evident throughout Grayson Hill. As I was discussing
725 with friends who are moving there next week, it is a beautiful community that has
726 certainly been a positive for that area. Very well received. And we certainly wish it
727 continued success. Thank you. I'm going to ask Dr. Nelson to come back up and make
728 sure he's satisfied. Have your questions been answered, sir?
729
730 Dr. Nelson - Yes, ma'am, they have. The developer put some very nice
731 plantings in there when the area was first approved, and a lot of them did not survive. So
732 I think I heard they're going to refresh and replace the dead ones. Well, you can never
733 have enough buffers. But as long as they don't take any more of the woods that are
734 there, I think that would be adequate. I'd be very interested in the fifth section when that
735 comes up.
736
737 Mrs. Jones - As the community comes to the end of its phases, there will
738 be another section coming up.
739
740 Dr. Nelson - Great.
741
742 Mrs. Jones - Okay?
743
744 Dr. Nelson - Thank you for your time.
745
746 Mrs. Jones - You're very welcome. Any further questions? All right. With
747 that, I would like to move approval of the landscape plan for POD2013-00309, Grayson
748 Hill, Section 4. This is with the annotations that are on the plans and standard conditions
749 for landscape plans.
750
751 Mr. Witte - Second.
752
753 Mrs. Jones - Motion by Mrs. Jones, second by Mr. Witte. All in favor say
754 aye. All opposed say no. The ayes have it; the motion passes.
755
756 The Planning Commission approved POD2013-00309, Grayson Hill, Section 4, subject
757 to the annotations on the plans, the standard conditions attached to these minutes for
758 landscape plans.
759
760
761

762 (Deferred from the July 24, 2013 Meeting)

763

764 **PLAN OF DEVELOPMENT**

765

POD2013-00103 **E.D. Lewis and Associates, P.C. for Page Broad Street, LC and Page Imports, LC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a car storage and display lot at an existing car dealership. The 5.5-acre site is located at the southwest corner of the intersection of W. Broad Street (U.S. Route 250), and Homeview Drive, on parcel 759-755-0982. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Three Chopt)**

766

767 Mrs. Jones - Good morning, Mr. Garrison.

768

769 Mr. Garrison - Good morning.

770

771 Mrs. Jones - Do we have folks with us this morning in opposition to
772 POD2013-00103, West Broad Hyundai – Car Storage Addition? We do have opposition.
773 Mr. Garrison?

774

775 Mr. Garrison - The applicant is requesting approval for a car storage lot at
776 the existing West Broad Hyundai car dealership. Staff received a revised plan that
777 provides right-of-way dedication on the south side of West Broad Street and the west
778 side of Homeview Drive. A conceptual landscape plan was also provided for the
779 transitional buffer east of proposed storage lot addition.

780

781 The applicant has agreed that prior to approval of a landscape plan, staff will have the
782 opportunity to evaluate the condition of the existing fence to determine if any upgrades
783 are necessary. With this, staff can recommend approval subject to the standard
784 conditions, additional conditions # 29 though # 31, and the annotations on the plans.

785

786 Mrs. Jones - Questions for Mr. Garrison?

787

788 Mr. Glover - Has the landscaping—I have a question. Has the landscaping
789 that's there been approved?

790

791 Mr. Garrison - The landscaping that's there is existing in this portion. East of
792 the proposed area there is landscaping in the back that was on the landscape plan that
793 was approved, yes sir.

794

795 Mr. Glover - No, I'm talking about the part that's on Broad Street and
796 Homeview.

797

798 Mr. Garrison - Yes, that was on a landscape plan and it was approved.
799
800 Mr. Glover - Do you approve of what's there now?
801
802 Mr. Garrison - Yes, sir, it looks fine.
803
804 Mr. Glover - How many cars are parking in that landscaping strip?
805
806 Mr. Garrison - Last time I looked, I think I counted seven.
807
808 Mr. Glover - There were 33 there yesterday. That's a landscaping strip.
809 And I normally don't say a whole lot about it, but I think Hyundai has gone a little
810 overboard because they have completely taken up that landscaping. And if I have
811 anything to say this morning, I'd like to defer this until we get Mr. Page's attention. I don't
812 usually say a lot about it because people need to make a living. But landscaping is
813 supposed to be landscaping, not 30 cars.
814
815 Mr. Garrison - Yes, sir. Staff did that mention that to the representatives.
816
817 Mr. Glover - What did he say?
818
819 Mr. Garrison - I just made a suggestion that he may want to remove his
820 cars.
821
822 Mr. Glover - What did he say?
823
824 Mr. Garrison - I can let the representative address that.
825
826 Mr. Glover - Okay.
827
828 Mr. Garrison - I didn't talk to Larry; staff talked to—
829
830 Mr. Glover - But you are recommending this, right?
831
832 Mr. Garrison - Yes, sir.
833
834 Mr. Glover - Okay. I find it hard to understand how you recommend
835 something that has 30 cars in it.
836
837 Mrs. Jones - All right.
838
839 Mr. Branin - I didn't know if that was a question or an answer. Let's hear
840 from the opposition first, then the applicant.
841
842 Mrs. Jones - Thank you.
843

844 Ms. Hamilton- For the record, my name is Karen Hamilton, and I'm sure—

845
846 Mr. Branin - Ms. Hamilton, before you start, I just wanted to thank you.
847 Because of your diligence and persistence over the past years the commissioners have
848 been brought to speed, staff is being trained and brought to speed on the Migratory Bird
849 Act, which is a result of you. So I wanted to tell you how much I appreciate that. I have
850 contacted my father-in-law, who is a 30-year commissioner for Prince William County,
851 and told him what we were doing, and had him look into it. Prince William is looking at it
852 as well now. So your efforts of bringing information to the municipality community as well
853 as the developer community have blossomed. I want to personally thank you.

854
855 Ms. Hamilton - Mr. Branin, I actually believe you're sincere in saying that;
856 however, I still think that you're attacking Henrico County. What's going to happen with
857 this is that there is going to be noise. The people in that area don't need that noise of
858 construction. I'm not even right at Gayton and Kain, and I can tell you the noise that I'm
859 hearing—that I've been hearing for years—it's not only the construction of the Gayton
860 Road Extension, but the construction of the apartments on Bacova Road; it's horrible.

861
862 These people that are in this neighborhood are going to have to put up with the noise of
863 the construction, and I feel sorry for them. And they're not here, apparently, to protest, so
864 I'm here on their behalf because nobody should have to endure construction noise. I'm
865 having to endure it now. It's a constant thing from six in the morning until I don't know
866 when at night. The backup beeping, you hear that first thing in the morning. I don't need
867 an alarm clock; I wake up to backup beeping.

868
869 Mr. Branin - Thank you, Ms. Hamilton. Can we hear from the applicant
870 now?

871
872 Mrs. Jones - Certainly.

873
874 Mr. Lewis - Good morning. My name is Monte Lewis with E.D. Lewis and
875 Associates. I'm representing the applicant, Larry Page.

876
877 He does have cars parked out here, and that's an ongoing problem with all the car
878 dealerships up and down Broad Street; everybody realizes that. I could ask that you not
879 defer it. My landscape plan is coming back to them, but this area in here—Greg called
880 me last week and said can you ask Larry to move those because they're in violation. I
881 have not been able to get a hold of Larry yet, but I will. If we can have it maybe as a
882 condition of approval that we don't get plans signed until the cars are out of that buffer.
883 There are two signatures. One is the signature from the staff when the plans get
884 approved. And then there's a second signature when they go out there and have a pre-
885 construction meeting. You have two chances to catch them and tell them you're not
886 getting your approved plans until these cars are out. Unfortunately, it's probably going to
887 be an ongoing enforcement activity with the County for all of the car dealerships. As you
888 know, you can move out one day and have them back the next. But they're not supposed
889 to be there, that's for sure.

890
891 Mr. Branin - Mr. Lewis, as Ms. Hamilton has been kind enough to bring
892 birds' health and birds' rights to us, Larry Page has also brought us the issue parking
893 illegally in a buffer. And yes, the County is going through all the dealers. We have a
894 supervisor who—the day of the case you were in violation—has requested a deferral.
895 Because of that, I'm compelled to do that.
896
897 Mr. Lewis - That's fine.
898
899 Mr. Branin - What I will do is defer you for two weeks because I know you
900 all are looking to get started. We'll bring this to zoning and get it and see if we can get
901 this issue resolved in two weeks. And then we will be following up with you afterwards
902 because we've worked with you greatly on this project. We need to not be in violation.
903
904 Mr. Lewis - I appreciate that. No problem.
905
906 Mr. Branin - Does that make sense?
907
908 Mr. Lewis - Yes, sir.
909
910 Mrs. Jones - Further questions?
911
912 Mr. Glover - Yes. You said you hadn't had a chance to talk to Larry Page?
13
914 Mr. Lewis - No, sir. This was just asked of me last week and I have not
915 gotten a hold of him yet.
916
917 Mr. Glover - You mentioned that all the dealers up and down Broad Street
918 are doing this. Are you reporting them now? Is that what you're doing?
919
920 Mr. Lewis - No, sir. I'm just saying—
921
922 Mr. Glover - You mentioned it.
923
924 Mr. Lewis - I'm just saying the County has—
925
926 Mr. Glover - But you brought it up.
927
928 Mr. Lewis - Yes, sir.
929
930 Mr. Glover - Are you reporting it?
931
932 Mr. Lewis - I'm just saying the County has a—
933
934 Mr. Glover - Then I'd like to defer this for 30 days to make sure that we
935 get—whether they've been reported or not. Mr. Lewis, you know better than that.

936
937 Mr. Lewis - And I'm not reporting anybody. We had the same problem
938 with—
939
940 Mr. Glover - Well, you brought it up.
941
942 Mr. Lewis - —West Broad Honda, and he removed those cars. I'm sorry
943 to insinuate that, but I did not.
944
945 Mr. Glover - Well, you brought it up.
946
947 Mr. Lewis - They're in the buffer and they need to be removed.
948
949 Mr. Glover - I don't know that it bothers me that much with several cars
950 out there, but when you get 30 cars in that strip—there are as many in that strip as there
951 are on his lot almost. That's my request.
952
953 Mr. Leabough - Those other dealers aren't here asking for a POD approval
954 either are they?
955
956 Mr. Glover - I understand that they're not asking for POD approval, but I
957 happen to be the one that approved that POD to begin with.
958
959 Mr. Leabough - I'm agreeing with you. But to Mr. Lewis's point, we're here
960 about your case not the other dealers on Broad.
961
962 Mr. Lewis - Correct.
963
964 Mr. Glover - You shouldn't have reported them because I'm going to have
965 to go now and tell the Planning staff's people that they're going to have to go up and
966 down Broad Street and correct the problem that you've identified.
967
968 Mr. Branin - That would be Community Maintenance.
969
970 Mr. Glover - No, it's Zoning. It's Zoning, Mr. Branin.
971
972 Mr. Branin - But they would be the enforcers of it.
973
974 Mr. Glover - But it bothers me that you reported the other people.
975
976 Mr. Lewis - Mr. Glover, I didn't mean it to be a reporting. I was just
977 bringing out that it's an ongoing problem up and down—
978
979 Mr. Glover - I do a lot of things I don't mean to, Mr. Lewis. Suffer the
980 consequences. I just can't believe he put that many cars out there. And you go right
981 down to Glenside and Broad, and you have a similar problem down there.

982
983 Mr. Emerson - Mr. Glover, I agree. It's probably time for a sweep of Broad
984 Street, not only the cars in the buffers at the car dealerships, but also there are a number
985 of signs up and down the street that are probably not meeting the legal parameters.
986
987 Mr. Glover - I had a call this week. The number of signs up and down
988 Broad Street, and one sign was written up. That was at JMJ. One sign. And there were
989 something like 75 signs between Glenside and West Broad out to Sam's. So I'm glad
990 you saw all those things.
991
992 Mr. Lewis - Mr. Branin, if you want to defer for 30 days, that would be
993 fine.
994
995 Mr. Glover - That would get your attention, I believe—or Mr. Page's
996 attention. Since you couldn't get his attention, I think we need to.
997
998 Mrs. Jones - Mr. Branin?
999
1000 Mr. Branin - Okay. May I make my motion?
1001
1002 Mrs. Jones - Unless there are further questions? All right.
1003
1004 Mr. Branin - Madam Chair, I'd like to move that POD2013-00103, West
1005 Broad Hyundai – Car Storage Addition, be deferred per the Commissioner's request to
1006 the November 14th meeting because I believe we can get his attention with two weeks
1007 instead of four.
1008
1009 Mr. Leabough - Second.
1010
1011 Mrs. Jones - I have a motion by Mr. Branin, second by Mr. Leabough. All in
1012 favor say aye. All opposed say no.
1013
1014 Mr. Glover - Let the record show I voted "aye."
1015
1016 Mrs. Jones - The record will show that. The ayes have it; the motion
1017 passes.
1018
1019 At the request of the Commission, the Planning Commission deferred POD2013-00103,
1020 West Broad Hyundai – Car Storage Addition, to its November 14, 2013 meeting.
1021
1022
1023
1024
1025
1026
1027

1028 **PLAN OF DEVELOPMENT**

1029

POD2013-00321 **Sekiv Solutions for Agape Properties, LLC:** Request for approval of a plan of development, as required by Chapter Agape Pet Services at Techpark - 1001 Techpark Place 24, Section 24-106 of the Henrico County Code, to construct a one-story, 3,945-square-foot pet crematorium. The 8.6-acre site is located along the east line of Techpark Place, approximately 1,500 feet south of Technology Boulevard, on part of parcel 844-703-6690. The zoning is M-2C, General Industrial District (Conditional). **(Varina)**

1030

1031 Mrs. Jones - Is there anyone in opposition to POD2013-00321, Agape Pet
1032 Services at Techpark? No opposition. Good morning, Mr. Ward.

1033

1034 Mr. Ward - Good morning, Madam Chair, members of the Commission,
1035 Mr. Secretary. This plan of development before you will provide a cremation service for
1036 pets and other animals while the remaining parcel over here will be considered for future
1037 development. The proffer requirements related to the rezoning file C-60C-97 as well as
1038 M-2 zoning requirements have been met and satisfied with this case.

1039

1040 The building proposed before you is going to be a one-story building. It will have a red
1041 brick knee wall surrounding all sides of the building. A tan EIFS wall will be above that,
1042 and then the standing seam metal roof has been proposed. Staff requested additional
1043 information, and this morning the applicant was able to bring in building material sample
1044 boards showing the reddish brick and the tan EIFS along with a burgundy roof to blend
1045 more with the knee wall and the trim work as well.

1046

1047 Other questions were asked about the exhaust pipe, which will be painted stainless
1048 steel. At this point, it's not shown on the drawings.

1049

1050 We feel happy at this point. If anyone would like to see the sample boards, we could pull
1051 that up on the screen. Other than that, we can recommend approval. Should the
1052 Commission act on the request, staff does recommend approval subject to the standard
1053 conditions for developments of this type, as well as additional conditions # 29 through #
1054 37 on the agenda. I'm happy to answer any questions you may have of me. This morning
1055 we have Stuart Little, the engineer with Sekiv Solutions, and Peter Anderson with Agape
1056 Pet Services, if you have any questions for them. That concludes my presentation.

1057

1058 Mr. Leabough - Mr. Ward, so the applicant has committed to the standing
1059 seam metal roof and not the same provided today?

1060

1061 Mr. Ward - That's correct.

1062

1063 Mr. Leabough - And the roof will not be red; it's burgundy. And the sample
1064 was provided today, but it was just not the correct materials.

1065

1066 Mr. Ward - Correct.
 1067
 1068 Mr. Leabough - I have a question for you, Mr. Secretary.
 1069
 1070 Mr. Emerson - Yes, sir.
 1071
 1072 Mr. Leabough - The plans are not annotated to reflect what we're talking
 1073 about. But since we've discussed it and it's on record, are you are okay in terms of
 1074 moving forward?
 1075
 1076 Mr. Emerson - Yes, sir, I think so. It's in the minutes, so we'll make sure that
 1077 your wishes are followed.
 1078
 1079 Mr. Leabough - Okay.
 1080
 1081 Mrs. Jones - Can you go back to the site plan, Mr. Ward? Okay. What you
 1082 have there are annotations of—I'm finding it hard to read. There is not much in the way
 1083 of existing landscaping that's going to be kept around there, is there?
 1084
 1085 Mr. Ward - There will be tree protection along this area.
 1086
 1087 Mrs. Jones - Okay.
 1088
 1089 Mr. Ward - And down through this area.
 1090
 1091 Mrs. Jones - Tree preservation tape, that's what I was looking for.
 1092
 1093 Mr. Ward - Right.
 1094
 1095 Mrs. Jones - Okay. All right. So the rest of the site will remain wooded as it
 1096 is now.
 1097
 1098 Mr. Ward - Wooded.
 1099
 1100 Mrs. Jones - Okay. That was my question. Any other questions for
 1101 Mr. Ward?
 1102
 1103 Mr. Leabough - Now that you brought up landscaping, the landscaping plan
 1104 will come back to us, correct, for approval, or will it be approved administratively?
 1105
 1106 Mr. Ward - Those will be approved administratively.
 1107
 1108 Mr. Leabough - Okay. I'm comfortable with that.
 1109

1110 Mrs. Jones - I was just concerned that there would be a clear-cutting of the
1111 rest of the property, which would not be warranted at this time if it's not going to be
1112 developed. Okay?

1113
1114 Mr. Witte - I have a question. I noticed there was a 500-gallon grease
1115 interceptor? Is that standard? I just don't see the need at a crematorium for a 500-gallon
1116 grease—

1117
1118 Mr. Ward - Are you talking about on the floor plan?

1119
1120 Mr. Witte - Go back to the other one. You just missed it; it's up on the
1121 right corner.

1122
1123 Mr. Ward - Okay.

1124
1125 Mr. Witte - I think it's number 24 there. Yes, that's it. Right above your—

1126
1127 Mr. Ward - Right in there. Okay, I see where you're talking about. That's
1128 probably something the applicant could answer. He does have another location in
1129 Maryland that he operates. I wouldn't be able to answer that to know if that's a
1130 standard—

1131
1132 Mr. Witte - In essence that's a storage tank. Is that correct?

1133
1134 Mr. Ward - We can have the engineer, Stuart Little, address that.

1135
1136 Mr. Little - Good morning. My name is Stuart Little, civil engineer for the
1137 project. The grease interceptor is directly requested by the Department of Public Utilities.
1138 The size of it needs to be verified as we complete the site plan process. Five hundred
1139 gallons might be excessive; it might be reduced. It's not a storage tank. It is an
1140 interceptor because the effluent floor drains in the building drain to the County's public
1141 utility system. What we're attempting to do is intercept any grease that occurs in the floor
1142 of the building if there's a spill before it gets to the County system.

1143
1144 Mr. Witte - I understand. I didn't understand that. I thought maybe it was
1145 500 gallons of grease being stored. Okay, thank you.

1146
1147 Mrs. Jones - Further questions?

1148
1149 Mr. Leabough - Could I get the applicant to come back up? I just want to
1150 confirm for the record that you all are comfortable with the standing seam metal roof.

1151
1152 Mr. Anderson - My name is Peter Anderson. I'm the owner of Agape Pet
1153 Services.

1154

1155 Mr. Leabough - Hello, Mr. Anderson. So you are comfortable with a standing
56 seam metal roof similar to the color that you provided in your sample today?
1157
1158 Mr. Anderson - Yes I am.
1159
1160 Mr. Leabough - All right. I didn't see any specs on the brick, but the samples
1161 you provided, whatever you build on site will closely match it.
1162
1163 Mr. Anderson - Yes. That's the brick I intend to use, the sample that I brought
1164 in.
1165
1166 Mr. Leabough - Okay. Thank you, sir. No further questions.
1167
1168 Mrs. Jones - All right.
1169
1170 Mr. Leabough - I move for approval of POD2013-00321, Agape Pet Services
1171 at Techpark, subject to standard conditions for developments of this type, the
1172 annotations on the plans, and additional conditions as noted in the agenda, and added
1173 conditions # 29 through # 37, in addition to the conditions that we talked about related to
1174 the smokestacks and the roof.
1175
1176 Mr. Witte - Second.
1177
78 Mrs. Jones - Motion by Mr. Leabough, second by Mr. Witte. All in favor say
1179 aye. All opposed say no. The ayes have it; the motion passes.
1180
1181 The Planning Commission approved POD2013-00321, Agape Pet Services at Techpark,
1182 subject to the annotations on the plans, the standard conditions attached to these
1183 minutes for developments of this type, and the following additional conditions:
1184
1185 29. All repair work shall be conducted entirely within the enclosed building.
1186 30. Outside storage shall not be permitted.
1187 31. The proffers approved as a part of zoning case C-60C-97 shall be incorporated in
1188 this approval.
1189 32. The certification of building permits, occupancy permits and change of occupancy
1190 permits for individual units shall be based on the number of parking spaces
1191 required for the proposed uses and the amount of parking available according to
1192 approved plans.
1193 33. The loading areas shall be subject to the requirements of Chapter 24, Section 24-
1194 97(b) of the Henrico County Code.
1195 34. If an incinerator is proposed, it shall be operated in accordance with Rule 9 of the
1196 Regulations of the State Air Pollution Control Board.
1197 35. The conceptual master plan, as submitted with this application, is for planning and
1198 information purposes only. All subsequent detailed plans of development and
1199 construction needed to implement this conceptual plan may be administratively

- 1200 reviewed and approved and shall be subject to all regulations in effect at the time
1201 such subsequent plans are submitted for review/ approval.
- 1202 36. The location of all existing and proposed utility and mechanical equipment
1203 (including HVAC units, electric meters, junction and accessory boxes,
1204 transformers, and generators) shall be identified on the landscape plans. All
1205 equipment shall be screened by such measures as determined appropriate by the
1206 Director of Planning or the Planning Commission at the time of plan approval.
- 1207 37. The limits and elevations of the **Special Flood Hazard Area** shall be
1208 conspicuously noted on the plan and labeled "**Limits of Special Flood Hazard**
1209 **Area.**" In addition, the delineated **Special Flood Hazard Area** must be
1210 labeled "Variable Width Drainage and Utility Easement." The easement shall be
1211 granted to the County prior to the issuance of any occupancy permits.
1212

1213 **PLAN OF DEVELOPMENT (Deferred from the September 25, 2013 Meeting)**
1214

POD2013-00278 **Youngblood, Tyler & Associates, P.C. for Bacova, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 89 detached dwellings for sale with zero-lot-lines. The 26.20-acre site is located on the west line of Pouncey Tract Road (State Route 271), approximately 375 feet north of Bacova Drive, and on the south line of Kain Road, approximately 350 feet west of Pouncey Tract Road (State Route 271), on parcels 739-766-3768 and 738-766-9367, and part of parcel 739-766-2504. The zoning is R-5AC, General Residential District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

1215
1216 Mrs. Jones - Is there opposition to POD2013-00278, Bowles Crossing at
1217 Bacova? We have opposition. Good morning again, Ms. Crady.

1218
1219 Ms. Crady - Good morning again. The subject property was granted
1220 rezoning approval by the Board of Supervisors at their November 13, 2012 meeting to
1221 allow up to 95 zero-lot-line residential dwellings subject to the proffers of zoning case C-
1222 19C-12. The applicant received conditional approval for 89 lots at the April 24, 2013
1223 Planning Commission hearing. The applicant now seeks subsequent plan of
1224 development approval per the standard approval requirements for zero-lot-line
1225 developments.

1226
1227 The layout plan is in conformance with the proffered conditions. Information regarding
1228 the architectural design of the proposed units is provided in your agenda and
1229 demonstrates conformance with the proffered conditions and applicable code. The
1230 proposed units will range in base square footages between 1,800 and 2,592 square-feet
1231 with multiple optional features that may add up to 1,100 square-feet to each additional
1232 unit. This exceeds the minimum proffered square footage of 1,700 square-feet per unit.

1233
1234 The architectural plans demonstrate that front elevation brick-and-stone ratios will be met
1235 with the option for purchasers to have up to 100 percent brick frontages, as they desire.
1236 The proffers include the provision that identical units may not be located adjacent to one
1237 another, and varying materials and colors will add to the aesthetic of the community.
1238 Other options include attached or detached garages, all exceeding the minimum
1239 proffered interior clear area of eighteen feet by ten feet unobstructed.
1240

1241 Staff recommends approval subject to the annotations on the plans, the standard
1242 conditions for zero-lot-line developments, Condition # 9 amended, and the additional
1243 conditions # 29 through # 43 in your agenda. The applicant, Robert Babcock and his
1244 representatives, Andrew Browning with Youngblood, Tyler and Associates, and Patricia
1245 Smith with NRV, the builder, are here to answer any questions you may have of the
1246 applicant. And I am happy to answer any questions the Commission may have of me.
1247

1248 Mrs. Jones - Questions for Ms. Crady? We have none. Mr. Branin?

1249

1250 Mr. Branin - Opposition first, please.

1251

1252 Ms. Hamilton - For the record, my name is Karen Hamilton. I oppose this for
1253 a variety of reasons. First, I want to know when you're going to honor what you said
1254 when you said you were going to alleviate traffic with the Gayton Road Extension?
1255 You're going to add 89 homes here, so that's going to add to traffic, not *alleviate* it. So I'd
56 like to know the answer to that. But that's really a rhetorical question.
1257

1258

1259 This right here, these are pictures of the wetlands. The Sandvig family has some
1260 wetlands. This is a case where the Sandvig family wanted to build four homes on Kain
1261 Road for a family compound. Henrico County—and actually you're going to get copies of
1262 these later. But Henrico County gave the Sandvig family a very hard time because they
1263 said, first of all, that it was too much land. They have 10 acres. They told them that was
1264 too much land. Oh my goodness. Developers can have all the land they want, but we
1265 individual people can't have 10 acres. So Henrico County told the Sandvigs that was too
1266 much land. They opposed them dividing that up into family homes. The Sandvigs worked
1267 very carefully with the US Army Corps of Engineers because they have respect for the
1268 wetlands. And you can see this is flooding here from some heavy rains that we've had in
1269 recent times. So you're going to cause problems for the Sandvig family. But this is a
1270 case of not only just the wetlands, this is a case of that you promised that you were
alleviating traffic, and you're not.

1271

1272 Mr. Branin - Ms. Hamilton, in regards to the Sandvig property, it has no
1273 relevance to this property because it's not attached on the property that we're looking at.
1274 You already know that. When—

1275

1276 Ms. Hamilton - No, I don't know that.

1277

1278 Mr. Branin - When speaking in regard—

1279

1280 Ms. Hamilton - These wetlands go through—

1281

1282 Mr. Branin - Ms. Hamilton, it's my turn.

1283

1284 Ms. Hamilton - You said I get 10 minutes.

1285

1286 Mr. Branin - I've been very polite and—

1287

1288 Ms. Hamilton - No. You said I get 10 minutes to speak.

1289

1290 Mr. Branin - And I'm also allowed to speak, and I'm making a statement.

1291 We have asked you countless times. Oppose all the cases you want, but keep it to the

1292 case at hand. The Sandvig property is not part of this case.

1293

1294 Ms. Hamilton - It is right beside the Bowles's property. It is going to be

1295 affected because the wetlands are there. We wrote to the Army Corps of Engineers. I

1296 wrote to them last year. It took them a year to get back to me. The letter that they sent

1297 me told me nothing. So the wetlands that are on the Sandvig property will be affected,

1298 will be impacted by this development. You can be sure of that.

1299

1300 What I'm saying to you is that this is a case of discrimination where you fought the

1301 Sandvigs tooth and nail, as the expression goes. They couldn't even have four houses,

1302 but now you're going to let 89 homes go up. You said that you were building Gayton

1303 Road Extension to alleviate traffic, but now you're making traffic worse out there. Traffic

1304 is horrible in Short Pump. What you're doing is you're trying to create this exclusive

1305 neighborhood of just everybody's got to live in Short Pump. And you're making it very

1306 expensive and exclusive. This neighborhood does not address the needs of the public.

1307 There are people who cannot afford these homes. This is not on a bus route so people

1308 can't get there unless they have a car. That's discriminatory. You can't even work there.

1309 People can't even get to jobs in Short Pump because the buses don't run to Short Pump.

1310 So you're trying to create this exclusive neighborhood out in Short Pump. And you've

1311 done it. But you've also ruined the environment.

1312

1313 I can tell you that yes, again, there are migratory birds out there. You're determined to

1314 tear down every tree out there. I assure you that even if you say okay, we're going to

1315 clear-cut these trees before January, before nesting season starts, we're going to get it

1316 done right now, you'll still be destroying tree frogs, the habitats of box turtles, raccoons,

1317 and other creatures who have a right to live. These creatures were there long, long

1318 before you and I. We don't need this. We don't need any more development in Short

1319 Pump. When does it end? *When* are you ever going to just leave some land for wildlife?

1320 Even if you say okay, we're going—

1321

1322 Mr. Emerson - Ms. Hamilton, this—

1323

1324 Ms. Hamilton - I'm not—please let me finish one thought.

1325
26 Mr. Emerson - This is a plan of development. The rezoning has been
1327 approved. This is an administrative act—
1328
1329 Ms. Hamilton - Right.
1330
1331 Mr. Emerson - —based on the rights of the property owner. The Commission
1332 cannot deny this if it meets the regulations of the code. The way you're addressing this is
1333 if they could just say no, and that's not possible. You need to understand that.
1334
1335 Ms. Hamilton - You need to understand that the rights of animals matter. You
1336 need to understand that—okay. After you clear-cut the trees and noise from the
1337 surrounding—it's like the Sandvig's property and the property of all my other neighbors.
1338 Okay. You're not cutting trees on their property, but you're going to affect the birds on
1339 their property because when you're making all that noise developing—clear-cutting and
1340 developing and construction, all the vehicles and the noise from construction, that's
1341 going to scare away the birds. The Sandvigs aren't going to have any migratory birds or
1342 endangered species because you're going to scare away everything on their property.
1343 There is not going to be anything out there anymore for the creatures. They were here
1344 long before you and I. And you get a—I wasn't here today for that, but you get up and
1345 state—say the Pledge of Allegiance, and you say that you, you know, honor the
1346 Constitution. You don't care. This is constitutional law.
1347
48 Mr. Emerson - Ms. Hamilton, keep it directly to the case.
1349
1350 Mr. Branin - I'd like to ask the Sandvigs to come up and speak on behalf
1351 of their land.
1352
1353 Ms. Hamilton - They're out of town.
1354
1355 Mr. Glover - Does that have anything to do with the case?
1356
1357 Mr. Branin - I just want to get—
1358
1359 Mr. Glover - You have a lot of patience, you know that? You have an awful
1360 lot of patience.
1361
1362 Mr. Branin - I do. I would like, now, to have—
1363
1364 Mr. Leabough - Thank you.
1365
1366 Mr. Branin - Thank you, Ms. Hamilton. Hopefully they'll come next time. I'd
1367 like to hear from the applicant.
1368
1369 Mr. Babcock - Good morning. My name is Robert Babcock. I'm with Bacova
1370 LLC.

1371
1372 Mr. Branin - Good morning, Mr. Babcock. How are you, sir?
1373
1374 Mr. Babcock - Good morning. How are you, sir?
1375
1376 Mr. Branin - I'm doing great, actually.
1377
1378 Mr. Glover - Patient, too.
1379
1380 Mr. Branin - First question. A traffic study was performed at zoning,
1381 correct?
1382
1383 Mr. Babcock - Yes, it was.
1384
1385 Mr. Branin - Now take out this project and take the whole development in
1386 it's entirety, including the apartment with Breeden, Liesfield's portion, your portion. A
1387 traffic study was taken for all of this, correct?
1388
1389 Mr. Babcock - Yes, it was.
1390
1391 Mr. Branin - And the traffic study told us?
1392
1393 Mr. Babcock - The traffic study was the fundamental criteria for the road
1394 design.
1395
1396 Mr. Branin - And you guys passed?
1397
1398 Mr. Babcock - Yes, we did.
1399
1400 Mr. Branin - Okay. I'm very familiar with this property. Who was the
1401 tenant, the owner prior to you purchasing it?
1402
1403 Mr. Babcock - Mr. Bowles.
1404
1405 Mr. Branin - Mr. Bowles. Was it Mr. Bowles that cleared all of that
1406 property, timbered it, 10 years ago, five years, eight years ago?
1407
1408 Mr. Babcock - Approximately. Yes, it was.
1409
1410 Mr. Branin - I just wanted to make sure that the trees were already out of
1411 there prior to you even starting.
1412
1413 Mr. Babcock - Yes, sir.
1414
1415 Mr. Branin - Prior to you even buying it.
1416

1417 Mr. Babcock - Yes, sir.
 18
 1419 Mr. Branin - Okay. That's all I have for you. Anybody else? Okay.
 1420
 1421 Mr. Babcock - Thank you very much.
 1422
 1423 Mr. Branin - Madam Chair.
 1424
 1425 Mrs. Jones - Yes, sir.
 1426
 1427 Mr. Branin - I would absolutely like to move—now knowing that there are
 1428 no trees on the property and that we're not in any violation—to approve POD2013-
 1429 00278, Bowles Crossing at Bacova, subject to the annotations on the plan, standard
 1430 conditions for developments of this type, and the following additional conditions: # 9
 1431 amended and # 29 through # 43.
 1432
 1433 Mr. Archer - Second.
 1434
 1435 Mrs. Jones - Motion by Mr. Branin, second by Mr. Archer. All in favor say
 1436 aye. All opposed say no. The ayes have it; the motion passes.
 1437
 1438 The Planning Commission approved POD2013-00278, Bowles Crossing at Bacova,
 1439 subject to the annotations on the plans, the standard conditions attached to these
 40 minutes for developments of this type, and the following additional conditions:
 1441
 1442 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
 1443 Planning for review and Planning Commission approval prior to the issuance of any
 1444 occupancy permits.
 1445 29. The right-of-way for widening of Pouncey Tract Road (State Route 271) and Kain
 1446 Road as shown on approved plans shall be dedicated to the County prior to any
 1447 occupancy permits being issued. The right-of-way dedication plat and any other
 1448 required information shall be submitted to the County Real Property Agent at least
 1449 sixty (60) days prior to requesting occupancy permits.
 1450 30. The entrances and drainage facilities on Pouncey Tract Road (State Route 271)
 1451 shall be approved by the Virginia Department of Transportation and the County.
 1452 31. A notice of completion form, certifying that the requirements of the Virginia
 1453 Department of Transportation entrances permit have been completed, shall be
 1454 submitted to the Department of Planning prior to any occupancy permits being
 1455 issued.
 1456 32. A concrete sidewalk meeting County standards shall be provided along the east
 1457 side of Liesfeld Farm Drive and the south side of Kain Road.
 1458 33. A concrete sidewalk meeting VDOT standards shall be provided along the west
 1459 side of Pouncey Tract Road (State Route 271).
 1460 34. The proffers approved as a part of zoning case C-19C-12 shall be incorporated in
 1461 this approval.

- 1462 35. Prior to approval of construction plans, the developer must furnish a letter from
1463 Dominion Virginia Power stating that this proposed development does not conflict
1464 with their facilities.
- 1465 36. The pavement shall be of an SM-2A type and shall be constructed in accordance
1466 with County standard and specifications. The developer shall post a defect bond
1467 for all pavement with the Department of Planning - the exact type, amount and
1468 implementation shall be determined by the Director of Planning, to protect the
1469 interest of the members of the Homeowners Association. The defect bond shall
1470 remain in effect for a period of three years from the date of the issuance of the
1471 final occupancy permit. Prior to the issuance of the last Certificate of Occupancy,
1472 a professional engineer must certify that the roads have been designed and
1473 constructed in accordance with County standards.
- 1474 37. Approval of the construction plans by the Department of Public Works does not
1475 establish the curb and gutter elevations along the Henrico County maintained
1476 right-of-way. The elevations will be set by Henrico County.
- 1477 38. Approval of the construction plans by the Department of Public Works does not
1478 establish the curb and gutter elevations along the Virginia Department of
1479 Transportation maintained right-of-way. The elevations will be set by the
1480 contractor and approved by the Virginia Department of Transportation.
- 1481 39. The developer shall provide signage, the wording and location as deemed
1482 appropriate by the Director of Public works, which addresses the possible future
1483 extension of any stub street.
- 1484 40. Roof edge ornamental features that extend over the zero lot line, and which are
1485 permitted by Section 24-95(i)(1), must be authorized in the covenants.
- 1486 41. Eight-foot easements for construction, drainage, and maintenance access for
1487 abutting lots shall be provided and shown on the POD plans.
- 1488 42. Building permit request for individual dwellings shall each include two (2) copies of
1489 a layout plan sheet as approved with the plan of development. The developer may
1490 utilize alternate building types providing that each may be located within the
1491 building footprint shown on the approved plan. Any deviation in building footprint or
1492 infrastructure shall require submission and approval of an administrative site plan.
- 1493 43. Windows on the zero lot line side of the dwelling can only be approved with an
1494 exception granted by the Building Official and the Director of Planning during the
1495 building permit application process.
1496
1497
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1500
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1507

1508 **PLAN OF DEVELOPMENT**

09

POD2013-00280
Children of America at
West Broad Village - 2513
Old Brick Road

Bay Companies, Inc. for Excel WBV V, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 10,000-square-foot day care center. The 0.95-acre site is located at the southwest corner of the intersection of Old Brick Road (private) and Brownstone Boulevard (private), on part of parcels 741-760-8084, 743-760-2155, 741-760-7785, 741-760-8989, and 742-760-0387. The zoning is UMUC, Urban Mixed Use District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

1510

1511 Mrs. Jones - Is there anyone in opposition to POD2013-00280, Children of
1512 America at West Broad Village? There is opposition.

1513

1514 Mr. Kennedy - Good morning. The proposed 10,000-square-foot daycare
1515 center will replace the previously proposed 10,000-square-foot daycare center and a
1516 5,000-square-foot retail building attached to it on the A14 site at West Broad Village that
1517 was previously shown on the master plan. It would reduce the density of that location.

1518

1519 The building has been reoriented from the original plan. Originally the entrance was
20 along Brownstone Boulevard. The main entrance is now facing Old Brick Road, placing
1521 the activities in the morning and the evening further away from the residential homes
1522 being developed. So morning drop-off and evening pickup is going to be as far away as
1523 possible from those homes. And instead of having another retail building here, what it
1524 does is it puts a playground there.

1525

1526 The site itself is a cleared field. It was part of a farm so there were no trees. As far as
1527 development, they're going to put trees and landscaping on it. Fifteen trees will be put in
1528 for the street trees. Those are going to be a minimum three and a half inch caliper.
1529 Additionally, there will be approximately 15 other trees within the parking lot and other
1530 landscaping. So there is a lot of landscaping proposed including a hedgerow around the
1531 parking lot.

1532

1533 The original elevations that were submitted with the plan were not acceptable. They
1534 need to meet comply with design guidelines. Staff requested revisions which have more
1535 of a traditional character. It looks compatible with the residential and transitions to the
1536 commercial. This is the face of the building that will be facing Old Brick Road, which is
1537 behind the shopping center. This is facing Old Brick Road as it turns around the back of
1538 the building.

1539

1540 This facade here with this tower element, that's what's going to be visible when you drive
1541 down Old Brick Road from the Main Street park. So basically from this section over
1542 you're going to see that at the end of the street. In front of the building, they have some

1543 unique security features. Again, this is an urban area and you have to protect children
1544 while they're being picked up. There is a three-foot wall here with a metal picket fence
1545 that basically encloses the doors. Each of the classrooms has a door outside. Basically
1546 there's a security system so that children going to the playground are in a secured
1547 environment at all times. In the back towards the parking lot, there will be a metal picket
1548 fence along there. Facing the community side on Perch Lane will be a metal picket fence
1549 as well.

1550
1551 At this time, we're also asking for material samples. The developer provided this material
1552 palette. They're using shingles to match the homes, HardiPlank, concrete siding. And it'll
1553 have a brick finish on the building. It will be very compatible with the residential uses next
1554 door, across Perch that are being developed.

1555
1556 The homes across Perch Lane are being constructed at this time. Basically they will be
1557 finished in a concurrent fashion with this development. It will be a walkable community.
1558 West Broad Village is a walkable community, so we may not have mass transportation.
1559 It's not needed because people can walk to the daycare center and drop off their
1560 children. They can walk to Whole Foods, they can walk to all the other businesses that
1561 are there. That's the idea of having an urban mixed-use development, a walkable
1562 community, eliminating the need for cars to the extent possible.

1563
1564 If you have any further questions, I'll be happy to answer them. The applicant does have
1565 representatives here, their architect and their engineer, to answer any questions.

1566
1567 Mrs. Jones - May I ask a quick question?

1568
1569 Mr. Branin - You are the Chairwoman; you can do pretty much whatever
1570 you want, Madam Chair.

1571
1572 Mrs. Jones - Well if that were only true. Okay. Mr. Kennedy, the one thing
1573 that I just wasn't clear about. If you could go to the site plan. Could you just show me
1574 again how the pickup/drop-off will work for any kind of vehicular traffic?

1575
1576 Mr. Kennedy - They will enter on Perch Lane and circulate around this
1577 island. There will be parking primarily in front—this corner of the building. The entrance
1578 is here facing Old Brick Road.

1579
1580 Mrs. Jones - So there won't be any actual pickup/drop-off on Old Brick
1581 Road; it'll be an internal circulation.

1582
1583 Mr. Kennedy - Internal circulation, yes ma'am.

1584
1585 Mrs. Jones - Okay. I just wanted to confirm that. Mr. Branin?

1586
1587 Mr. Branin - Can you show me where the dumpster is?

1588

1589 Mr. Kennedy - The dumpster is at this location here. We asked them to
1590 move it to make it as far away as possible from this development.
1591
1592 Mr. Branin - And they have not done that yet?
1593
1594 Mr. Kennedy - No, they have.
1595
1596 Mr. Branin - So it's right along the shopping center. Before wasn't it right
1597 up against the residential?
1598
1599 Mr. Kennedy - It was right in this area here, the residential, and we felt it was
1600 inappropriate.
1601
1602 Mr. Branin - Okay. All right. I have no further questions for Mr. Kennedy. I
1603 would like to actually hear from the applicant.
1604
1605 Mrs. Jones - All right. The applicant, please?
1606
1607 Mr. Caskie - Good morning. I'm Dan Caskie with Bay Companies. We
1608 have a representative of the owner and the architect here as well.
1609
1610 Mr. Branin - That's fantastic. How are you today, Mr. Caskie?
1611
1612 Mr. Caskie - Doing great, thanks.
1613
1614 Mr. Branin - Good. I'm very appreciative that the dumpster was moved.
1615 Did you do this design, Mr. Caskie?
1616
1617 Mr. Caskie - Yes.
1618
1619 Mr. Branin - Why would you stick a dumpster 20 feet from a townhome?
1620
1621 Mr. Caskie - We were moving the thing around. It started on Old Brick. We
1622 talked about it at the staff/developer meeting regarding access. We thought that's where
1623 staff wanted it, but we misread that evidently, so we moved it back.
1624
1625 Mr. Branin - Okay, good, because that's the place it belongs. On the back
1626 side of the commercial across the road from you is another dumpster. We should put
1627 dumpsters near dumpsters and not dumpsters near people.
1628
1629 Mr. Caskie - Sure.
1630
1631 Mr. Branin - Okay. The other thing. Has the Architectural Review Board
1632 from West Broad Village reviewed this and signed off, because I haven't received a
1633 letter?
1634

1635 Mr. Caskie - I am not aware. Erik, you want to come up here?
1636
1637 Mr. Quackenbush - My name is Erik Quackenbush. I'm with Cornerstone
1638 Architects. The same renderings that you've seen were sent to the owners of Excel and
1639 the owner of Children of America. I received e-mail confirmation from all of them that
1640 they were in approval of the plan. But to my knowledge there—
1641
1642 Mr. Branin - And those are the only two people on the Architectural
1643 Review Board for West Broad Village?
1644
1645 Mr. Quackenbush - From what I'm aware it's the County and the owner, yes.
1646 Those are the people I was asked to send the plan to.
1647
1648 Mr. Branin - Are you familiar that there is an architectural review board?
1649
1650 Mr. Quackenbush - Not that I know of, unless that was being handled on the
1651 owner's side.
1652
1653 Mr. Branin - There is. In homeowners associations when you have office
1654 parks—I don't know if you're familiar with this. Innsbrook has an architectural review
1655 board. Everything that goes in Innsbrook has to be reviewed and signed off by the
1656 members of the association. Once that's done, we're told that everybody's in agreement
1657 with it.
1658
1659 Mr. Quackenbush - Okay.
1660
1661 Mr. Branin - And then we move forward. I know from working on this
1662 project since 2005 there is an architectural review board. We have reviewed a hundred
1663 different things out there, changes, gotten the community involved with changes. I don't
1664 have a letter from you.
1665
1666 Mr. Quackenbush - Okay. I'll will speak with the owner and see who it needs to
1667 go to.
1668
1669 Mr. Branin - I don't know if this has been reviewed, and I don't think it has,
1670 because I went through and made some phone calls and was told "We haven't seen any
1671 of this."
1672
1673 Mr. Quackenbush - Okay.
1674
1675 Mr. Branin - So Excel and the owner, that's great that they agreed. But
1676 they're coming into a community that has a review board.
1677
1678 Mr. Quackenbush - Okay.
1679

1680 Mr. Branin - Okay? So I can't move forward until you present me with a
1681 letter.
1682
1683 Mr. Quackenbush - Okay, understood. I'll speak with the owner and make sure
1684 we get it to you.
1685
1686 Mr. Branin - Would you?
1687
1688 Mr. Quackenbush - Yes.
1689
1690 Mr. Branin - Okay. I don't want to disrupt a community that's growing
1691 cohesively and then throw a monkey wrench in it. Okay? Mr. Caskie?
1692
1693 Mr. Caskie - Yes, sir.
1694
1695 Mr. Branin - Your client's not prepared.
1696
1697 Mr. Caskie - Would it be possible for us to take the site plan forward so we
1698 can move ahead with construction and bring the architectural back?
1699
1700 Mr. Branin - No.
1701
1702 Mr. Caskie - You don't want to do that?
1703
1704 Mr. Branin - No, not today. Ms. Hamilton has me so upset I'm not feeling
1705 so nice today.
1706
1707 Mrs. Jones - We do have opposition.
1708
1709 Mr. Branin - And Ms. Hamilton, before I call you down for opposition, you
1710 will have another swing at this one because I'm going to defer it. So do you want to
1711 oppose something that I want to defer?
1712
1713 Ms. Hamilton - Yes.
1714
1715 Mr. Branin - Okay. Can we make it quick, Ms. Hamilton, because you're
1716 going to come back and say the same thing in a month?
1717
1718 Ms. Hamilton - Well, it's going to be very fast. You see, I'm opposed to this
1719 because how much more can you squeeze into this land out there? The traffic out there
1720 in Short Pump is already horrible. You keep squeezing things into this West Broad
1721 Village. The traffic is just absolutely horrible.
1722
1723 My final comment is that one of the first things I did after they were building buildings
1724 over there is I took a walk over there after some of the buildings had been completed.
5 What I was seeing were dead birds on the ledges because birds fly into windows. This

1726 used to be lovely open fields where birds could find worms. You've paved over almost all
1727 of Henrico and there's nowhere for them to get down to the ground to get the insects
1728 anymore.

1729
1730 Mr. Branin - Fantastic. Thank you, ma'am. All right. Madam Chair, I would
1731 like to move that POD2013-00280, Children of America at West Broad Village, be
1732 deferred to the November 20, 2013 meeting per Commissioner request.

1733
1734 Mr. Witte - Second.

1735
1736 Mrs. Jones - Motion by Mr. Branin, second by Mr. Witte. All in favor say
1737 aye. All opposed say no. The ayes have it; the motion passes.

1738
1739 At the request of the Commission, the Planning Commission deferred POD2013-00280,
1740 Children of America at West Broad Village, to its November 20, 2013 meeting.

1741
1742 Mr. Emerson - Madam Chair, that takes us to the next item on your agenda,
1743 which is the consideration of approval of the minutes of the September 25, 2013
1744 meeting. I don't believe we have an errata sheet today, so if you or the other
1745 commissioners have any changes you'd like to make, we are open to hearing those.

1746
1747 Mr. Archer - Madam Chair, before we approve the minutes, could I call
1748 everybody's attention to page 14 of the agenda? There is a word that I saw that is
1749 incorrect, and it could change the meaning of what I think was intended. In the first
1750 paragraph down where it says "The developer has no plans for the development of the
1751 remaining half of the property." The last sentence says "no interment is proposed." I
1752 think it should be *interment*.

1753
1754 Mr. Emerson - It should be *interment*. That's correct.

1755
1756 Mrs. Jones - You are correct.

1757
1758 Mr. Glover - There you go, Chris. You did good.

1759
1760 Mr. Archer - Thank you, sir.

1761
1762 APPROVAL OF MINUTES: September 25, 2013

1763
1764 Mrs. Jones - With that the wording will be changed, the spelling. Back to
1765 the minutes of September 25th. Are there any corrections or additions to the minutes?

1766
1767 Mr. Leabough - Madam Chair, I move approval of the September 25, 2013
1768 minutes.

1769
1770 Mr. Witte - Second.

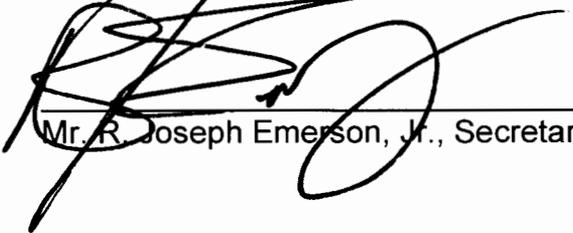
1771

1772 Mrs. Jones - Motion by Mr. Leabough to approve the minutes and a
1773 second by Mr. Witte. All in favor say aye. All opposed say no. The ayes have it; the
1774 motion passes.
1775
1776 The Planning Commission approved the September 25, 2013 minutes as submitted.
1777
1778 Mrs. Jones - Mr. Secretary, is there any further business for the
1779 Commission?
1780
1781 Mr. Emerson - Madam Chair, I have nothing further for the Commission.
1782
1783 Mr. Glover - Can I make a motion?
1784
1785 Mrs. Jones - Absolutely.
1786
1787 Mr. Glover - I move we adjourn.
1788
1789 Mr. Branin - I second that.
1790
1791 Mrs. Jones - This meeting is adjourned.
1792
1793 Mr. Witte - Staff, thank you. You did another great job.
1794

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1806



Mrs. Bonnie-Deigh Jones, Chairperson, C.P.C.



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 **October 23, 2013**, 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 **October 23, 2013**, which shall be as much a part of this approval as if all details were fully described herein. **Five (5)** sets of **prints** of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

B. In Addition to Item A, the Following Standard Conditions for Approval of All Zero Lot Line Developments shall apply:

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

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

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

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

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

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

29. The unit house numbers shall be visible from the parking areas and drives.
30. The names of streets, drives, courts and parking areas shall be approved by the Richmond Regional Planning District Commission and **such names shall be included on the construction plans prior to their approval.** The standard street name signs shall be installed prior to any occupancy permit approval.

F. In addition to Item A, the Following Standard Conditions for Approval of All Service Station Developments Shall Apply:

29. This business shall not remain in operation after midnight and no exterior signs shall remain lighted after **(12:00 midnight - B-1) (1:00 o'clock a.m. - B-2) (no limit - B-3)**.
30. No merchandise shall be displayed outside of the building except that oil racks will be allowed on the pump islands.
31. This service station shall be used only for the sale of petroleum products and automobile accessories and parts. It shall not be used to sell or rent camping trailers, nor as a base of operation for truck fleets or fuel oil delivery or other such use that is not strictly a service station operation.
32. Only light repair work shall be allowed at this station, including motor tune-up, brake, generator, ignition, and exhaust repairs, and wheel balancing. The only work that can be performed outside the building is those services that are normally furnished at the pump island and the changing of tires.
33. No wrecked automobiles, nor automobiles incapable of being operated, shall be kept on the premises.
34. The prospective operator of this station shall come to the Department of Planning and sign the file copy of the special plan of development letter before he signs a lease with the oil company to operate this station.

G. STANDARD CONDITIONS FOR CONVENIENCE STORES WITH FUEL PUMPS IN A

B-2 ZONE

29. Bulk storage of fuel shall be underground.
30. There shall be no exterior display of merchandise except on pump islands and on paved walkway areas within three (3) feet of building.
31. Lighting fixtures shall not exceed a height greater than twenty (20) feet.
32. No temporary storage of wrecked or inoperative vehicles or rental of vehicles, trailer campers, vans or similar equipment shall be permitted.
33. Not more than two (2) electronic amusement games shall be permitted.
34. Not more than two (2) vending machines for food and beverage and similar merchandise shall be permitted on the premises outside of an enclosed building.
35. The prospective operator of this facility shall come to the Department of Planning and sign the file copy of the special plan of development letter before he signs a lease with the oil company to operate this station.
36. The landscaping plan shall include details for screening of refuse containers and refuse storage facilities in accordance with Section 24-61(i).
37. Refuse containers or refuse storage facilities shall be serviced during business hours only.
38. The owner or manager on duty shall be responsible for temporarily closing the car wash facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way.
39. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility. **(If Car Wash Is Proposed)**

**H. STANDARD CONDITIONS FOR CONVENIENCE STORES WITH FUEL PUMPS
IN A**

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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

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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)**