

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. November
4 12, 2015.
5

Members Present: Mr. Robert H. Witte, Jr., Chairman (Brookland)
Mr. Tommy Branin (Three Chopt)
Ms. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Mr. Eric Leabough, C.P.C. (Varina)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mrs. Patricia S. O'Bannon,
Board of Supervisors' Representative

Members Absent: Mr. C. W. Archer, C.P.C., Vice-Chairman (Fairfield)

Also Present: Ms. Jean M. Moore, Assistant Director of Planning
Mr. James P. Strauss, PLA, Principal Planner
Ms. Leslie A. News, PLA, Principal Planner
Mr. Anthony Greulich, C.P.C., County Planner
Ms. Sylvia Ray, Recording Secretary

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7 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
8 **on all cases unless otherwise noted.**
9

10 Mr. Witte - Good evening. We have a crowded audience tonight.
11 Welcome to the Planning Commission Rezoning meeting for November 12th. I
12 ask that you turn off or silence your cell phones. And while doing that, please
13 stand with us for the Pledge of Allegiance.
14

15 Thank you. I would be remiss if I didn't congratulate Mr. Branin on his election to
16 the Board of Supervisors publicly. He will be with us for three more meetings
17 after this, I believe.
18

19 Mr. Branin - And I would like to congratulate Mrs. O'Bannon for
20 her big win this year. A huge, huge percent. She killed it.
21

22 Mrs. O'Bannon - Actually, I think there were 350 write-ins.
23

24 Mr. Witte - All right. We have four of the Commissioners here.
25 Mr. Archer is out sick. We also have Mrs. O'Bannon with us this year as the
26 Board of Supervisors' representative. Thank you again, Mrs. O'Bannon. And with
27 that I'll turn the meeting over to Mr. Emerson.
28

29 Mr. Emerson - Thank you, Mr. Chairman. We do have a fairly light
30 agenda tonight. Your first item, Request for Withdrawals and Deferrals, there are

31 none. The next item, Request for Expedited items, there are none of those. And
32 then as we move down the agenda, there are no cases to be heard.

33
34 We do have a presentation from staff that will be presented by Ms. Leslie News
35 and Mr. Tony Greulich regarding some work that I'm sure you've heard us talking
36 about regarding the development review process, the amount of time that it's
37 been taking us to review plans, and some concerns that we had heard from the
38 development community. We wanted to bring you up to date on where we are
39 with that and some of the recent occurrences as a result of that analysis.

40
41 Ms. News - Thank you, Mr. Secretary, and good evening
42 Commissioners. Tony and I, as the Secretary has said, are here this evening to
43 summarize the findings and results of the Development Review Process
44 Timelines Committee. This committee was authorized by the County Manager's
45 office to evaluate current development processes and identify areas for
46 improvement.

47
48 The last time this type of committee convened to exam the development process
49 was in 2006 to 2007. Improvements during that time frame included streamlined
50 review timelines, processes to allow partial permits, integration of public utilities
51 into the subdivision process, incorporating state-mandated VDOT Chapter 527
52 requirements, and development of our online commenting system. Additional
53 staff positions were also created during that process, including the position that
54 Tony currently holds, which is our plan review expeditor. Some of the primary
55 responsibilities for this position are monitoring the ongoing POD and subdivision
56 project reviews for the County; to serve as a source of information for applicants,
57 whether they're engineers or developers or citizens; and to function as their
58 liaison in the development process.

59
60 At the invitation of the County Manager, a meeting was held on May 20, 2014,
61 with members of the development community to discuss the current review
62 process with key staff members. Areas for improving the development review
63 process, identified by the development community at this meeting, during that
64 time included completion of a thorough review by County staff within the
65 timelines established in the 2007 process; a greater predictability of the review
66 process timelines; reduction of the required numbers of plan set submissions
67 needed; reducing the level of plan detail required prior to Planning Commission
68 approval; and use of electronic plan submittals.

69
70 One of the results of this meeting was the creation of an internal committee
71 headed by Deputy County Managers Randy Silber and Tim Foster. The
72 committee was tasked to solicit additional feedback from the development
73 community and examine the POD and subdivision processes to determine if
74 enhancements could be made. Several members of the committee traveled to
75 visit several developers—I think eight all told—and engineering firms for more in-
76 depth conversations on the topic and other development-related subjects.

77

78 In addition to the original items mentioned at the initial meeting, some of the
79 feedback received was a general appreciation for the visit and the fact that we
80 were taking the time to look at our processes. Public Works received
81 compliments for their work on the stormwater management training. They felt that
82 that was better than what they had received from any other localities. There were
83 compliments for the general ease of working with Henrico County.

84

85 But again, they emphasized the need for quicker ways to address revisions on
86 minor plans, a need for improvements in our easement plat review process, and
87 a need for a defined fast-track process.

88

89 The committee met regularly over the next several months and studied several
90 aspects of the process. It was determined in looking at some studies that the
91 overall average review time since the improvements in 2007 had greatly
92 improved. A case study showed a 35 percent reduction in the overall project
93 review timeline in 2013 versus 2006, from initial submission to signature of the
94 plans. It was noted, however, that there was room for improvement in the County
95 review staff consistently meeting the twelve-business-day review times. The
96 average was coming out to about fifteen days.

97

98 The committee also considered issues with the quality and completeness of
99 plans submitted by private engineers as major contributors to the length of time
100 required to review plans and the number of resubmissions. Our data maintained
101 by the Planning Department showed that in 2011, 22 percent of the POD and
102 conditional subdivision applications that we received were considered incomplete
103 upon their submission. By 2014, that number increased to 67 percent of the
104 plans received were missing information.

105

106 In February 2015, the committee's initial report was shared with the Manager's
107 office. And within that report, multiple enhancements and additions to the
108 processes were proposed. Staff was instructed to proceed with the outlined
109 changes and inform the development community once completed. Another
110 community development forum was held on July 1, 2015, and the new processes
111 and applications were then shared with the community. They were invited to
112 provide further feedback, and staff evaluated those comments accordingly. After
113 some final editing, we have gone live as of September 14, 2015.

114

115 Just for an idea, these are the committee members that were involved in this
116 effort: Public Works, Utilities, Planning, Fire, Police, and Building Inspections.
117 And additionally, there were several subcommittees specifically to talk about our
118 fast-track processes and our easement review processes. So Real Property and
119 the County Attorney's Office were involved in these committees.

120

121 There were several big-picture items that were addressed. Again, the meeting
122 review deadlines mentioned by virtually all members was a key item. Studies

123 showed that improvements were needed on both sides of the table in order to
124 accomplish the objective. So a forum for the review staff was actually held here
125 in this room with the Deputy County Managers on June 9th, and in addition to the
126 new processes being outlined, all of the staff were reminded of the importance
127 and expectation in meeting their review deadlines.

128
129 Additionally, at the developers' forum, the importance of the submission of
130 complete plans was emphasized to the plan applicants, and better plan quality
131 submissions were encouraged. And the expectation that incomplete plans would
132 no longer be accepted into the system was communicated. Related to this,
133 detailed formalized reports have been generated to assist our division managers
134 in monitoring up-to-date accounts on where POD and subdivisions are in the
135 system, which helps with scheduling the workload management within the review
136 departments. They also give us a tool to objectively evaluate comments from the
137 development community related the time limits of reviews and overall project
138 timelines. We can see when our comments went back to them and when they
139 turn the plans back in. We know where some of those delays were happening
140 that really weren't easy to track before.

141
142 Two development forums were held during this review, and it's been determined
143 that these will continue twice a year. These will be held probably at the Training
144 Center or other locations as we identify the need. And plan review
145 opportunities—new review opportunities will be described to the development
146 community, as well as we can hear from them on any significant issues that
147 they're encountering and try to address them in a timely manner.

148
149 Lastly, the departments involved with the review of plans were invited to examine
150 their own staffing to determine if the levels were sufficient. Some additional staff
151 were authorized in the review agencies. Those are underway in the hiring
152 process.

153
154 As I mentioned, there have been multiple adjustments to the POD and
155 Subdivision processes. I'm going to turn it over to Tony to just briefly describe
156 some of those improvements, unless you have any questions for me.

157
158 Mr. Branin - I do. What was the timeline that you all are supposed
159 to get plans reviewed and that back out, twelve days?

160
161 Ms. News - Twelve days.

162
163 Mr. Branin - And the average was what?

164
165 Ms. News - Fifteen is what we looked at over the entire year and
166 all the review agencies. It was an average.

167
168 Mr. Branin - And what was the reason for it?

169

170 Ms. News - I think some of it was a number of factors. We
171 discovered that some of the agencies were actually not logging the plans in
172 correctly in to the Tidemark system, so we could only go by those numbers. They
173 were talking about sending review comments out to the applicants but not
174 actually putting it in the system. So that was some of it. Some of it was
175 incomplete information or going back and forth or engineers working with
176 developers and needing information and not being diligent about making sure
177 they were finished in the twelve days. There are just a number of different
178 reasons. That has been reemphasized with staff, and we have been tracking and
179 having very good results just in the couple of months that we started doing this.
180 The percentages of days—twelve days. Most of it was just a day or two or three
181 days past the deadline. It wasn't huge chunks of time. But it was definitely going
182 on.

183

184 Mr. Branin - And the number of plan sets was what, twenty-one
185 before and now it's been reduced to?

186

187 Ms. News - In completion, you mean?

188

189 Mr. Branin - Yes.

190

191 Ms. News - Oh, for signature?

192

193 Mr. Branin - Yes.

194

195 Ms. News - It's reduced to fourteen, I believe. And some of what
196 we found—we had built into the system a couple of different things. We had built
197 into the plan review sets a number of sets that went back to the applicant. They
198 need plans for attachment to their building permit. We had allocated a certain
199 amount of plans to their subcontractors and their utility contractors. And what we
200 were hearing from some of the applicants was we just need one plan. We're
201 going to scan it, and we're going to do it electronically. Other applicants said we
202 need more plans. So we reduced, but we've allowed them to request more.
203 Whatever they submit to us, we'll sign for them. But we'll require less for those
204 who don't want to submit that many.

205

206 Mr. Branin - When did the process start?

207

208 Ms. News - September 14th was our official kickoff.

209

210 Mr. Branin - When did the process of review start?

211

212 Ms. News - The process of what?

213

214 Mr. Emerson - Of review.

215
216 Ms. News - Oh. Of this? We were working on it since May of last
217 year. It's been about a year.
218
219 Mr. Branin - I don't know if everybody else is aware that this was
220 going on. I was aware of it. Why weren't we brought in or kept up to date prior to
221 after it being launched so we could have given some of our input into your all's
222 review and meetings? A lot of times, we're the ones that are catching the flack for
223 the inconsistency going on in the County, not you guys. So why weren't we
224 involved in the process?
225
226 Mr. Emerson - We didn't head up the committee, Mr. Branin. It was
227 headed up Mr. Foster and Mr. Silber, so I don't know that we could answer that
228 question by you per se. We were never requested by those leading the process
229 to do that.
230
231 Mr. Branin - Okay.
232
233 Mr. Witte - I have a question. What steps were omitted, if any, to
234 put us on this fast track?
235
236 Ms. News - The fast-track process—and Tony's going to discuss
237 that with you a little bit. There is a fast-track process that's going to be available
238 for economic development prospects and other developers that are identified by
239 the Manager's Office. Its being set up so that anybody who wants to qualify for a
240 fast-track process has to be approved through the Manager's Office. So our
241 process review of plans, regular plans, is not changing. We're just committing to
242 follow the actual deadlines that we've committed to all along.
243
244 Mr. Witte - Okay.
245
246 Ms. News - We did look at ways to reduce the timeline, but there
247 really wasn't a lot of room to shave a day off here and there.
248
249 Mr. Witte - So the incomplete plans, putting the monkey back
250 where it started, that should help a lot.
251
252 Ms. News - Yes.
253
254 Mr. Witte - Are you going to review the entire—for us go through
255 the entire process and then tell them they're incomplete? Or as you find one, let
256 them know?
257
258 Ms. News - This has to do with intake, when they submit their
259 plan to the County and start their review process. We have an application that
260 has detailed requirements for meeting their submission requirements. And we

261 are checking before we actually accept them. Our review timelines and the state
262 timelines are very detailed on how long you can take to review plans. And if we
263 take something into the system that's missing information to try to work with
264 people, our timeline starts—

265
266 Mr. Witte - So it doesn't even get into the system.

267
268 Ms. News - Right, exactly. Exactly. We will hold it until they
269 actually get the plans—the information that we need for them to make it
270 complete.

271
272 Mr. Emerson - As you know, Mr. Chairman, from our recent
273 discussion about timelines on plans, that's critically important when we accept
274 them into the system, especially with plans of development and subdivisions.

275
276 Mr. Witte - Thank you.

277
278 Mr. Branin - I have one more comment. The big one was I would
279 have liked to have some input, and I'll talk to, I guess, Foster and Silber about
280 that. But I know from—and Joe, you'll attest to this. I've had calls from
281 developers saying what is taking so long—blah, blah, blah. And then I call and
282 say why are these plans sitting for thirty days? And then it comes back well, we
283 sent it back for comments and the comments still haven't come back to us. So
284 therefore, it hasn't proceeded. So a lot of that delay has nothing to do with
285 Henrico County or Henrico County staff.

286
287 Ms. News - Exactly.

288
289 Mr. Branin - The developers will claim that it has to do with
290 Henrico County staff, but indeed it doesn't, because I've gone down that path
291 three or four times. And then I've said it would be real easy for us to push this
292 forward if you did your job.

293
294 Ms. News - Exactly.

295
296 Mr. Branin - And I get that. I would have liked to have been able to
297 be involved since May and know what we were doing to look at it. I'll also say our
298 customer service here in Henrico County is five times better than most
299 municipalities. And I can speak on that from experience today, because I was in
300 the City of Virginia Beach, who has 7,000 employees and \$1.8 billion budget. I
301 wanted to go see their environmental department because a friend of mine who
302 I'd worked with for twenty years had recently retired and I didn't know who
303 replaced him. And I went in, and I said, "Hi, how are you?"

304
305 And this guy looked at me and said, "What do you want?"
306

307 And I said, "Well, I'm kind of looking for some guidance to be . . ."

308

309 And he said, "Are you filing something?"

310

311 And I said, "Well, no." And I tried to explain to him. And he came back two or
312 three times at me just rude. And finally I said, "What is wrong with you?" And this
313 lady then came over and she said, "Let me help you. This is the director who
314 would be able to tell you." And I said okay.

315

316 Then the office manager came over and said, "Here, let me help you."

317

318 And I said, "You know, it's funny. I'm with a municipality. We don't treat any
319 customer like this." I said, "What is wrong with you people down here?"

320

321 And he said, "Who are you with?" And I said Henrico. And the person went, "Oh,
322 that's a really good county." This is the City of Virginia Beach.

323

324 And I said, "Yeah, we believe in customer service. I don't know what you guys
325 believe in." So hats off to Henrico County. But I do think we should have been
326 involved. Some.

327

328 Ms. News - Right. And we are committed to making constant
329 changes and updates. Those forums are going to be for that reason. So we
330 welcome your input any time.

331

332 Mr. Leabough - Quick question. Sorry to interrupt you. In terms of the
333 review time frame, the twelve-day turnaround, when there is something that is
334 outstanding on the engineer or developer side, on their end, does that factor into
335 it as well? Or does that stop the clock?

336

337 Mr. Branin - The clock stops.

338

339 Ms. News - Well, our comments are due back in twelve days.
340 They don't have any guaranteed time when they have to turn plans back to us.

341

342 Mr. Leabough - I think we should look at that. I know I get tired of
343 babysitting developers to find out where the heck they are in the process.

344

345 Ms. News - Yes.

346

347 Mr. Leabough - And that's a big problem—I shouldn't say babysit
348 developers. But it feels like because they bring a case to you, and you say okay,
349 here's what we're looking for, x, y and z. And then you don't hear anything for a
350 month or two. And you have to call them to find out where they are in the
351 process.

352

353 Ms. News - Exactly.
354
355 Mr. Leabough - And I don't think that's fair to staff nor do I think it's
356 fair to us—
357
358 Ms. News - Exactly.
359
360 Mr. Leabough - —to have to find out where they are with their
361 turnaround. So if we're going to be on the clock, they should be on the clock as
362 well.
363
364 Ms. News - Right.
365
366 Mr. Leabough - And I don't know if there's anything we can do about
367 that.
368
369 Ms. News - Right, exactly.
370
371 Mr. Leabough - But I just don't think it's fair for us to have to track
372 plans or track a case for months and months and months on that.
373
374 Ms. News - The only thing I can say to that is we now can see
375 very clearly, our report shows—we can easily print when we give them
376 comments. When they turn the plans back in, we can identify where the gaps
377 are. And that is what we found in a lot of these long, drawn-out projects is that
378 there were just big delays, for whatever reason—whether they weren't ready;
379 they were too busy, they weren't ready to move forward. But there were big gaps
380 in time that maybe the owner doesn't know what the engineer was doing—but
381 the story comes out in the numbers.
382
383 Mr. Leabough - Okay. Thank you.
384
385 Mr. Emerson - One good thing that did come out of this is the
386 tracking. We now have everybody using the Tidemark system uniformly. Before,
387 we didn't. Also, the Planning Department wasn't one of those. We were using the
388 system as we should have. As Ms. News noted, there were some issues with
389 trying to determine accurate timelines because some of the agencies weren't
390 using the databases they should have. They're now using it. It's uniform across
391 the board. I get weekly reports and quarterly reports that I can look at and see
392 what every agency is doing in terms of turnover and even drill down into the
393 individual plan reviewer and see what percentages they are and what they're
394 moving forward. That's important for us because we're the head of the process.
395 We begin it, and we end it with the signature stage at the end. But all the other
396 department heads and the development review agencies also have that same
397 information. And it's sent to them. I know when I get it opened up and I look at it,
398 if there's something I see that I have a question about, I'll call Leslie or call the

399 staff person and say hey, I see where this took a little bit long or something, and
400 what happened here. So I'll have an answer to that.

401
402 I have to commend everybody at this point. For the majority, we're reviewing
403 plans quicker than the time frame allocated. So it's good.

404
405 Mr. Branin - This month should be pretty easy.

406
407 Mr. Emerson - Well, the design side is busy; you'll see that next
408 week.

409
410 Ms. Jones - Can I ask just a quick question? Did I understand you
411 correctly that this entire process was really initiated by the development side?

412
413 Ms. News - It was initiated by the County Manager, but it was
414 based on some comments that I think were made to him, and we looked into the
415 process, yes.

416
417 Ms. Jones - Okay. When those concerns were discussed, did they
418 all boil down to timing?

419
420 Ms. News - Some of them did, but not all. Some of them, it's just
421 the process. And some of the other things we talked about.

422
423 Ms. Jones - The thing that's striking me as I listen to this is that we
424 are never going to be able to control more than we can control right here under
425 the roof of the Planning Department. Even this, it's a stretch. You know, you have
426 folks who are out for whatever reason. The workload is big a lot of the time. So
427 I'm a little hesitant to say that twelve days is a magic number. I guess it's been
428 twelve days for a long time. But as the workload increased, I think there needs to
429 be some thought about the expansion of that timing to accommodate the
430 exponential growth in the requirements of reviewing more cases. I hate to have
431 us just all pigeonholed into this time frame. We're hoping we're on a rebound
432 track here, and that's going to be a bigger workload. So somehow we need to
433 compensate for that. It isn't fair to the staff.

434
435 Mr. Leabough - And along those lines, it depends on the case itself. I
436 mean, if you're talking about GreenGate compared to one retail use—those are
437 two totally different cases.

438
439 Ms. News - Exactly.

440
441 Mr. Leabough - And they have the same time frame?

442
443 Ms. News - They have the same time frame.

444

445 Mr. Leabough - Which is not fair to staff.
446
447 Ms. News - Some of those things do come into play, that's for
448 sure. And that twelve days includes routing paper copies around. We have to get
449 them in, we have to review them, we have to sort them, route them.
450
451 Mr. Branin - I understand that you don't have any big projects in
452 your district.
453
454 Ms. Jones - But I'm really concerned that we're letting the tail wag
455 the dog, quite honestly. We're letting this twelve days be some kind of a magic
456 silver bullet, where it's really not tailored to reality very well. So just thought I'd
457 throw that out there.
458
459 Mr. Emerson - One thing, Ms. Jones that was examined, was the
460 need for staff. And there have been staff positions added in areas where they
461 were needed. And I think as we need them, we'll expand back to where we were
462 pre-recession. But certainly all the departments are smaller than they were prior
463 to the recession.
464
465 Ms. Jones - But to the point that GreenGate has a little more
466 review than some other case, we'll always have that disparity. Boy, I think it's a
467 lot of pressure on staff.
468
469 Mr. Emerson - It is, it is. And quite honestly, one of the ones that
470 went a day or two over the review timeline was GreenGate, when I was looking
471 at them. But I knew why.
472
473 Ms. Jones - Sure.
474
475 Mr. Emerson - And then I saw other ones that were in earlier. But it
476 was only one or two days; it wasn't a week. It wasn't something egregious. But
477 again, a lot of it goes back to having these plans filed correctly to begin with.
478
479 Ms. Jones - Exactly.
480
481 Mr. Emerson - Some of these cases, we were going through a
482 process of asking for information that should have been supplied at the beginning
483 based on the code and our policies, and it was not there.
484
485 Ms. Jones - The application packet is very clear, if I recall.
486
487 Mr. Emerson - I think it is.
488
489 Ms. Jones - The checklist and everything else.
490

491 Mr. Emerson - Yes ma'am.
492
493 Ms. Jones - I don't have much sympathy for that from the
494 incomplete side. Okay.
495
496 Ms. News - Tony has a few more things to tell you about.
497
498 Mr. Greulich - Good evening.
499
500 Mr. Branin - Would you state your name for the record?
501
502 Mr. Greulich - Tony Greulich, Plan Expeditor.
503
504 Effective July 1, 2014, new stormwater regulations mandated by the state went
505 into effect. These new regulations required several changes in the processes and
506 applications. They now include references to the requirements for the
507 Stormwater Pollution Prevention Program; the GCP, which is the General
508 Construction Permit; the clearing and grubbing application; and the permit
509 issuance. The DEQ is also now involved in the signature process and adds
510 another review prior to the pre-construction meeting being held.
511
512 Some additional changes. Public Works, Construction Division, has been added
513 to most review cycles. And ideally, this will help reduce constructability issues
514 from being discovered during construction and instead will be resolved during the
515 plan review stage. So in the long run, this should result in savings in both time
516 and money to the process of development.
517
518 As mentioned previously, the requirement for staff to meet review deadlines has
519 been emphasized, and the County is committed to doing so. To help review staff
520 achieve this, the development community were advised that initial plan submittal
521 would need to improve. In response to suggestions from engineers, the POD
522 application has been altered so that it now indicates what the requirements are
523 for a submittal to be deemed complete for Planning Commission review and
524 approval. Some construction details may be added upon subsequent reviews.
525 Hopefully, this will alleviate confusion and ultimately increase the number of
526 plans that are accepted into the review submittal with the initial submittal.
527
528 Prior to the new processes, Henrico County required a maximum number of sets
529 to be submitted depending on what agencies were required to sign the plans.
530 This allowed the development community to receive several extra sets. Based on
531 feedback from the development community, this has been reduced to a minimum
532 number.
533
534 The minor construction plan process was created as vehicle for small areas of
535 construction to be reviewed and approved. This would apply to sidewalk
536 improvements, parking space revisions, dumpster additions, a parking plan to

537 accompany a building permit, or simply property line adjustments within a
538 commercial site subject to an existing POD. There are strict guidelines that a
539 plan must follow for it to be classified as a minor construction plan, but the
540 benefits of this designation is that the review time is significantly abbreviated, and
541 Planning is the only department required to sign the plans. The overall time from
542 initial submittal to signature is significantly reduced, thus allowing construction to
543 begin sooner.

544

545 The easement process was another item that the development community raised
546 an issue with, that they wanted some clarify on. A subcommittee was established
547 with members of Real Property, and a process was determined. The new
548 process has provided the development community with a means of tracking
549 those submittals through the online commenting system that they're familiar with
550 for following other reviews. Strict review times similar to other POD and
551 subdivision review submittal were established.

552

553 Lastly, the fast track process has been added to the plan of development
554 process. Developers have been invited to review the formalized process and to
555 begin discussion with the County Manager's office if they are proposing a project
556 that is significant to Henrico County. When determining what is significant, the
557 County Manager's office examines such items as economic impact, the
558 redevelopment of an area, or the positive effect on an area, among other things.

559

560 Two fast track levels were established—a gold level and a silver level. The gold
561 level will ensure the County review staff complete their review within six business
562 days of the submittal. Silver ensures a nine business day turnaround, whereas
563 typical staff reviews we've discussed is actually twelve business days. The gold-
564 level fast track project also promises a compressed timeline between filing the
565 plans and the Planning Commission hearing.

566

567 To aid in the abbreviated timeframe, a memorandum of agreement is established
568 whereby the applicant and staff commit to the completing of certain items within
569 the proposed timeline. These dates ensure that all parties involved can
570 adequately schedule staffing to be able to meet the abbreviated schedule.

571

572 Mr. Leabough - Question. So six days gets you what? Six additional
573 days, how much does that push the project up?

574

575 Mr. Greulich - Well, I guess some of the projects and some of the
576 developments that we've heard of or had discussions with, those weeks that we
577 were able to cut out make all the difference to them. So it may not seem like
578 much, but when you've got the initial review and maybe two construction plans,
579 you're looking at maybe cutting out a month, three weeks.

580

581 Mr. Witte - Now is that going to be by contractor or by project?

582

583 Mr. Greulich - It'll be by project. So the developer needs to line up all
584 of their contractors, basically, and have them all agree that staff is going to
585 review it in six or nine days, and their staff--the landscapers, civils, all those
586 people--will have to review it within a certain time frame. They don't necessarily
587 need to match what the County does, but whatever time frame they come up
588 with, they need to commit to it.

589

590 Mr. Leabough - What are the implications if they don't?

591

592 Mr. Greulich - If they don't, then in theory they won't be on the fast
593 track process anymore.

594

595 Mr. Emerson - They get kicked to the regular.

596

597 Mr. Leabough - They get kicked to the regular going forward. Does
598 that open up the opportunity for things to get missed because it's fast tracked?
599 No?

600

601 Mr. Greulich - I suppose it might.

602

603 Mr. Leabough - Don't answer that question.

604

605 Ms. Jones - Do you anticipate that there are going be many, many
606 requests for this fast track? I don't know if you're at liberty to give me an example
607 of the kind of project that would be a gold fast track.

608

609 Mr. Greulich - The way that we've now established a gold and silver,
610 we don't really have a firm framework of what would fall into those categories. I
611 would definitely have to defer to the County Manager's Office to figure out what
612 they have in mind.

613

614 Ms. Jones - Does the applicant pay extra for the gold and silver
615 fast track?

616

617 Mr. Greulich - At this time, no.

618

619 Mr. Emerson - These are primarily offered to projects that have come
620 to the County that obviously are bringing revenue jobs, things of that nature, at a
621 high level that could get an extra amount of attention. You have one on your next
622 agenda, Project Hamburger, which has been an EDA project. And of course
623 that's the name that it was given when it came in. But projects such as that, that
624 the EDA brings in or the Greater Richmond Partnership. A lot of our local real
625 estate industry also generates quite a few projects for us that may qualify for this
626 type of treatment, where it makes a difference.

627

628 Ms. Jones - And everybody in the development community is well
629 aware this option is there should they choose to follow it?

630
631 Mr. Emerson - Yes.

632
633 Mr. Branin - But there are very few projects that would warrant
634 this.

635
636 Ms. Jones - That's why I'm trying to get a feel for this.

637
638 Mr. Branin - It's not like okay, I really want to get started with this
639 Dollar General, so I want to go into the fast track. I figured that would be fun for
640 you, Mr. Witte. I was involved when West Broad Village came in. Because it was
641 a new type of development, the County wanted to be on top of it. And Unicorp
642 was from out of state. And literally all departments sat in one room, dictated
643 exactly what every department needed from them. They had their architect,
644 engineers, all three of their engineer companies in. And it all congealed, and it
645 was fast tracked to get to the point that they could get the permit. It was
646 everybody working together in one room. So in actuality, fast tracked instead of
647 e-mailing back and forth. He actually put everybody together to make it work
648 faster. Dollar General I guess could be on a fast track if Mr. Witte wanted it to.

649
650 Mr. Leabough - Do we have a slow track?

651
652 Mr. Witte - Continue.

653
654 Mr. Greulich - Actually, we were at a good point because now I'm
655 going to kind of summarize what's happened.

656
657 So the enhanced processes and applications went live at the Permit Center and
658 on the County's website on September 14th of this year. The following summary
659 of enhancements was achieved:

- 660
- 661 • Reduced the number of copies required.
 - 662 • Focused application forms to emphasize submittal requirements.
 - 663 • Created an administrative process for minor construction plans.
 - 664 • Formalized the fast track process with commitments for completions of
665 review with the gold process of six and for the silver process of nine in
666 terms of business days.
 - 667 • Improved communication through communication forums to be held with
668 the development community.
 - 669 • Created an easement plat and an easement vacation or quitclaim review
670 and approval processes.
 - 671 • Established guidelines to be used for PDF submittals for reviews.
 - 672 • Increased the use of the County's Tidemark tracking system to monitor the
673 status of project submittals.

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- Added County review staff.

Mr. Greulich - All of these enhancements were designed to help provide a high-quality development review for the businesses and ultimately the residents of Henrico County.

As stated earlier, high-quality development and review also requires a high-quality plan submittal. Unfortunately, this has not been the recent case. We have already been forced, due to incomplete plan submittal, to push cases from the Planning Commission hearing they were filed for to the next hearing. Ten cases were received at the filing deadline on October 30th to be scheduled to be heard at the December Planning Commission hearing. Four of them will now be scheduled to be heard in January.

Related to this, there is an aspect of the review process where you as a Planning Commissioner can help. It is becoming increasingly difficult for staff to review late submittals to the Planning Commission in a timely manner while still meeting their preexisting review deadlines. In some cases, staff loses a whole day reviewing items at the last minute for Planning Commission cases. GreenGate is a perfect example of that. And that's at the expense of the plans that they already have. A reexamination of requiring revised plans to be submitted by the Friday before the Planning Commission hearing date instead of the acceptance of late submittals would benefit staff immensely.

This complication also occurs for staff review of later amended proffers for rezoning cases. This review is also conducted by the County attorney's office, and their time is greatly impacted by these late submittals. So as with the PODs, a reexamination of requiring revised proffer language to be submitted no less than forty-eight hours before the Planning Commission hearing date instead of the acceptance of late submittals would benefit staff immensely. The meeting of review deadlines was the goal of the development community and the Manager, and your influence could help staff achieve that goal.

That concludes our presentation.

Mr. Emerson - Tony, you might want to fill the Commission in on what happened at the last submission. I don't think we mentioned that. Or maybe Leslie did; I didn't catch it. Did you mention that we turned some plans back?

Mr. Greulich - Yes.

Mr. Emerson - Okay.

Mr. Greulich - Yes. Out of the ten that came in, four of them got pushed back.

720 Ms. Jones - Revised proffers that come zipping to us up here at
721 the last minute, you're saying let's make up our minds here. Are we going to
722 accept that or are we not. The accepted deadline for revised proffers is?
723

724 Mr. Greulich - It's forty-eight hours.
725

726 Ms. Jones - Forty-eight hours.
727

728 Mr. Greulich - And it's literally from the rules and regulations.
729

730 Ms. Jones - And it's always been that way, or at least for a long
731 time.
732

733 Mr. Emerson - It's been in there for the last thirteen, fourteen years.
734

735 Ms. Jones - You know, it does give you a little bit of leverage as
736 you bring a case forward, obviously, everyone wanting to get going on things.
737 That can sometimes be a little bit of a motivation to get the case in order.
738 However—
739

740 Mr. Branin - You've heard all of us complain, though, over the
741 years that we get dropped revised plans in the middle of a public hearing.
742

743 Ms. Jones - A meeting, yes.
744

745 Mr. Branin - And there's no time for any of us to review them.
746 There's no time for the Commissioner whose district it is, a lot of times, to review
747 them. And I've said—GreenGate. Perfect example. I said this has to get deferred.
748 This is ridiculous. Four thirty on the day of? This is ridiculous. No. If we can move
749 the timeline back to hold them to it, I'm all for it.
750

751 Mr. Emerson - I don't know if there's a need to move it back as much
752 as there is a need to just to observe and adhere to the policy that's in place. Just
753 put the development community on notice that you plan to live by your rules and
754 regulations. And if you can't get your proffers in on time, they come in late, plan
755 on submitting a deferral request right along with that. The same thing on your
756 plans of development and subdivisions. If you can't get those items in in a timely
757 manner to where they can be reviewed appropriately and give all of you an
758 opportunity to take a look at it, as well as staff, then when you file it late, file your
759 deferral request right along with it.
760

761 Mr. Witte - I'm not sure forty-eight hours is enough time.
762

763 Mr. Branin - Forty-eight hours on like a POD?
764

765 Mr. Witte - Yes, that's not enough time.

766
767 Mr. Emerson - Well it's forty-eight on the proffers. How long is on the
768 PODs, Tony?
769
770 Mr. Greulich - It's the Friday before the Planning Commission
771 hearing.
772
773 Mr. Emerson - So it's Friday before Planning Commission, which
774 occurs on Wednesday. But two of the days are the weekend.
775
776 Mr. Branin - That's Monday/Tuesday work.
777
778 Mr. Emerson - Normally, we take a look at the rules and regs when
779 you reorganize every year. And if there's a need for you to amend your rules and
780 regulations, certainly we can talk about that in January.
781
782 Mr. Leabough - It depends on what the change is, right? Being fair, if
783 this is just a change in materials or something, that's minor.
784
785 Mr. Emerson - Right.
786
787 Mr. Leabough - It depends. We've recommended approval for cases
788 that have needed work, and that's something that we need to look at well.
789
790 Mr. Branin - Pushing them up to the Board.
791
792 Mr. Leabough - Yes. If we're going to stop accepting proffers forty-
793 eight hours before the case, then we have to do the same thing there. It's that
794 slippery slope of if we start going down this.
795
796 Mr. Branin - I think we should put them on notice that we're going
797 to be abiding by the rules we already have in place. But you and I both know that
798 a resident says, "Yeah, but I would prefer this." And everybody says yeah, that's
799 actually a good idea. The developer says yeah, it's a good idea. Well, let's get
800 that done by the time it gets to the Board. And I don't see an issue with that. I do
801 see an issue with something like GreenGate when they come walking in at 4:35
802 and say oh, it's here, I've got it, and we're hearing it at 9 the next morning.
803
804 Mr. Leabough - Yes, that's different. But what if they met with a
805 committee member and it's something that they just learned about. But because
806 our policy says forty-eight hours, they can't make that change; we have to kick it
807 down the road.
808
809 Mr. Witte - Well we still have the right to waive it.
810

811 Mr. Emerson - Right. That's why you have the ability to waive time
812 limits.

813
814 Mr. Leabough - It's our discretion.

815
816 Mr. Emerson - Right. You just need to be judicious with your
817 discretion, I think. That's what it boils down to.

818
819 Mr. Leabough - So it depends on the change. If they're material
820 changes to a case, then yes. If it's changing the fence from vinyl to wood or
821 something, that's not a material change.

822
823 Mr. Branin - Or red brick to lily honey.

824
825 Mr. Emerson - But if you're getting a proffer that rewrites half of your
826 road improvements, that we need to review closely to make sure that we're not
827 missing something. Or, you know, they get into rewriting a proffer that looks more
828 like a paragraph that deals with your building materials and your foundations. I
829 could show you cases that would surprise you where the brick foundations were
830 left out. They were in one iteration, and then it got changed at the last minute,
831 didn't get caught by anybody. Now they went ahead and built it that way. But that
832 shouldn't have been missed, and it was missed by everyone because of that last
833 minute. It was missed by the people drafting it that meant to put it in. They never
834 meant to drop it. It was probably just a clerical error.

835
836 Mr. Witte - Any other questions? Well, before we go to the next
837 step, we have three guests with us who may or may not in the future be standing
838 there at the podium. So I think we should give them the opportunity now to come
839 down and tell us who they are and why they're here.

840
841 Mr. Sutterhome - Hi, I'm Trevor Sutterhome [sp]. I'm a resident of
842 Henrico, and I'm going to U of R law with both of these guys. We're taking a land
843 use planning class, so part of our grade is a project where we come and sit in on
844 this meeting—hopefully where there are a few things on the agenda and have
845 some things to bring back and talk to the class about. So we're going to figure
846 out what we're going to do about that. We may not have time to make it to
847 another meeting.

848
849 Mr. Leabough - We'll be here next Wednesday.

850
851 Mr. Emerson - Next Wednesday morning.

852
853 Mr. Branin - What I recommend is since there were no cases, it
854 was interesting to sit in and listen to how Henrico's going to streamline and
855 provide better customer service, as well as putting their developers on notice.
856 And get this from these guys.

857
858 Mr. Sutterhome - I was thinking the same thing, sir.
859
860 Mr. Witte - Next Wednesday we have a meeting. And there will
861 be probably be a very interesting meeting on the evening of December 10th.
862
863 Mr. Emerson - I think December 10th will be quite an education.
864
865 Mr. Sutterhome - Right smack in the middle of finals.
866
867 Mr. Branin - And where are you from?
868
869 Mr. Sutterhome - I'm from Leesburg, Virginia.
870
871 Mr. Witte - Who's next?
872
873 Mrs. O'Bannon - Isn't Leesburg where they have an historic overlay
874 district and you have to have very special regulations on the design of the
875 structures?
876
877 Mr. Branin - The answer is yes. Downtown Leesburg.
878
879 Mrs. O'Bannon - They have a really nice CVS drugstore. It's a beautiful
880 brick structure. And whenever the developers come in here, I say I want this to
881 look like that drugstore in Leesburg.
882
883 Mr. Witte - You have the floor.
884
885 Mr. Drewey - My name is Robert Drewey [sp], and I'm a third-year
886 law student at the University of Richmond. Like Trevor said, we're all in the same
887 group. I'm originally from Campbell County, Virginia. And I live in the city,
888 unfortunately.
889
890 Mr. Witte - You just lost points.
891
892 Mr. Drewey - It's close to the line.
893
894 Mr. Witte - Okay. Thank you.
895
896 Mr. Drewey - Thank you for allowing us to be here.
897
898 Mr. Dessart - For those who I don't know, I'm Ben Dessart [sp].
899 Proud son of Henrico County.
900
901 Mr. Branin - Yay. Born and raised here.
902

903 Mr. Dessart - Thank you so much for having us this evening.
904 Actually, it's funny the kind of 48-hour conversation came up. My professor did
905 discuss how this was a problem that boards were seeing. He often represents
906 companies down in Virginia Beach, so he's dealing with the organization down
907 there that you discussed earlier. So it was still useful to come out tonight. So
908 thank you so much for having us here.

909
910 Mr. Witte - Where'd you go to high school?

911
912 Mr. Dessart - Henrico. Actually, I grew up right down the street in
913 Tall Timbers. But I was in the IB program.

914
915 Mr. Witte - I just want to stress that's in the Brookland District.

916
917 Ms. Jones - Yes, we know this.

918
919 Mr. Leabough - Is that where the Dollar General is at?

920
921 Mr. Emerson - Not yet.

922
923 Mr. Dessart - Thank you all.

924
925 Mrs. O'Bannon - You do recall that this is being recorded.

926
927 Mr. Emerson - Yes, I was going to mention that as well,
928 Mrs. O'Bannon.

929
930 Mr. Chairman, we have one other item left on your agenda tonight, and that is the
931 consideration of the approval of your minutes of the Planning Commission
932 meeting of October 15th, and you do have an errata sheet.

933
934 Ms. Jones - I move the minutes be approved as corrected

935
936 Mr. Branin - Second.

937
938 Mr. Witte - We have a motion by Mrs. Jones, a second by
939 Mr. Branin. All in favor say aye. Opposed? The motion passes.

940
941 Mrs. O'Bannon - I have one very short thing to say. I've had several
942 occasions where citizens call me up and they're very angry that they've taken
943 their architect's plans—they did an addition on their house, and the architect put
944 the plans in, and the people came and submitted them to the Permit Center. And
945 they were told you can't build it. It's too close, there's not enough distance to the
946 back property line or the side property line. And they, of course, want me to
947 change all of our zoning classifications to the shorter distance, you know, ten feet
948 to the rear property line or five feet to the side property line. And my question

949 always is to them didn't your architect go to the building department or the Permit
950 Center and run these by. And the answer is often no. They hire architects and
951 pay a lot of money, and the architects build these plans and don't just check your
952 basic things.

953

954 I had a nice young lady call me. And she said she had hired an architect, and
955 they were going to bump out the back of their kitchen. And I know the lot, and I
956 said that's going to be very close to the back property line. Before you do that,
957 why don't you drop by the Permit Center and just explain it to someone. And she
958 called me this morning and said she arrived at 9:30 and she was out of there by
959 10. And she went in and talked to the nice lady at the Permit Center desk who
960 said go to Station #6. And she said walked in and it was 1, 2, 3—and she went
961 straight to #6 and sat down with a nice gentleman that was there. This is about
962 9:30. I said what was his name, and she didn't get his name. I said well you need
963 to write it down, because if something comes up you say, "He told me it was
964 okay."

965

966 But she said I don't know if I need to get a variance from the BZA. And she said
967 he went click, click, click, and he said, "Oh, no, that already has a variance. It
968 was given in 1989." And she said in two minutes she had papers in her hand and
969 that sort of thing. She was very pleased, but I still have some questions I want to
970 ask, making sure that she understood it correctly. Now they're going to bump out
971 their kitchen, and I'm still not sure if this is okay. But she was very pleased, and
972 she wanted me to let everyone know it went very well. And I think it was
973 appropriate to point that out here.

974

975 I also want to mention, just one more time, anyone who is doing an addition or
976 changing the footprint of where their house is—around the front of the house or
977 the back of the house or the side of the house—architects don't bother to come
978 to the County and check what is the building envelope. I give speeches on that
979 all the time.

980

981 So can we let architects know that they should do that, that they should come in
982 before? These people spend tens of thousands—you know, five thousand, seven
983 thousand dollars on these plans. Just an FYI. Were they included in the
984 discussion?

985

986 Mr. Emerson - Architects are a breed unto themselves. That's a
987 creative mind I think you're not supposed to try to corral. They should be aware,
988 Ms. O'Bannon.

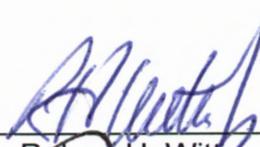
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990 Mrs. O'Bannon - I know.

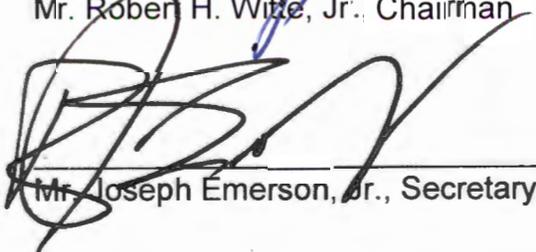
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992 Mr. Emerson - I don't disagree with you. They should come in. And
993 yes, we do. But we have that across the gamut of professions, not just the
994 architects.

995
996 Mr. Leabough - Well they sell plans that don't work for that particular
997 locality as well.
998
999 Mr. Emerson - Absolutely they do.
1000
1001 Mr. Leabough - That don't meet the building code. You run into that
1002 issue as well.
1003
1004 Mr. Emerson - On a regular basis.
1005
1006 Mr. Leabough - Maybe it's just education and outreach, but I don't
1007 know. You're still probably going to get an architect that if someone is willing to
1008 pay, they're willing to deliver.
1009
1010 Mr. Emerson - Right.
1011
1012 Mrs. O'Bannon - Thank you.
1013
1014 Mr. Witte - Before we adjourn, I want to go on record as saying
1015 this is absolutely the longest short meeting we've ever had.
1016
1017 Mr. Emerson - Well we wanted to bring this to you, and we've been
1018 talking about a good time, after the group culminated their work, because we felt
1019 that you needed to hear it. It just kind of worked out well for us this evening that
1020 we could, and not make you have to come in early or do something different.
1021 Thank you for your indulgence.
1022
1023 Mr. Witte - Thank you, staff.
1024
1025 Mr. Leabough - Move to adjourn.
1026
1027 Mr. Branin - Second.
1028
1029 Mr. Witte - Thank you everyone.



Mr. Robert H. Witte, Jr., Chairman



Mr. Joseph Emerson, Jr., Secretary

