

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County  
2 held in the County Administration Building in the Government Center at Parham and  
3 Hungary Springs Roads beginning at 9:00 a.m. Wednesday, April 25, 2018.  
4

Members Present: Mrs. Sandra M. Marshall, Chairperson (Three Chopt)  
Mr. Gregory R. Baka, Vice-Chairperson (Tuckahoe)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Ms. Adrienne F. Kotula (Brookland)  
Mr. Eric S. Leabough, C.P.C. (Varina)  
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,  
Secretary  
Mrs. Patricia S. O'Bannon, Board of Supervisors' Representative

Others Present: Ms. Jean Moore, Assistant Director of Planning, Acting Secretary  
Ms. Leslie A. News, PLA, Senior Principal Planner  
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner  
Mr. Michael F. Kennedy, County Planner  
Mr. Tony Greulich, C.P.C., County Planner  
Ms. Christina L. Goggin, AICP, County Planner  
Ms. Aimee B. Crady, AICP, County Planner  
Mr. Matt Ward, County Planner  
Mr. Lee Pambid, C.P.C., County Planner  
Ms. Kate B. McMillion, County Planner  
Mr. Salim Chishtj, ASLA, County Planner  
Ms. Sharon Smidler, P.E., Traffic Engineer  
Mr. Henry Rosenbaum, Division of Fire  
Ms. Melissa Ferrante, Office Assistant / Recording Secretary

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6 **Mrs. Patricia S. O'Bannon, the Board of Supervisors' representative, abstains on**  
7 **all cases unless otherwise noted.**  
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9 Mrs. Marshall - I call this meeting of the Henrico County Planning Commission  
10 to order. This is our plan of development meeting for April 25, 2018. At this time, I ask  
11 that you please take a moment to silence your cell phones. Thank you. As you do, please  
12 stand with the Commission for the Pledge of Allegiance.  
13

14 Do we have anyone in the audience with the news media? We have Mrs. Pat O'Bannon,  
15 our representative from the Board of Supervisors. Thank you for being here. Mrs.  
16 O'Bannon abstains on all cases unless otherwise noted. All Commissioners are present,  
17 so we can conduct business. At this point, I will turn the agenda over to Mr. Emerson, our  
18 secretary.  
19

20 Mr. Emerson - Thank you, Madam Chairman. First on your agenda this  
21 morning are the requests for deferrals and withdrawals. Those will be presented by  
22 Ms. Leslie News.

23  
24 Ms. News - Thank you, Mr. Secretary. Good morning, members of the  
25 Commission. We have one item on our request for deferrals this morning, and that is  
26 found on page 13 of your agenda and is located in the Brookland District. This is  
27 POD2018-00099, including the lighting plan, for Dunkin' Donuts at 8727 Staples Mill  
28 Road. The applicant has requested a deferral to the May 23, 2018 meeting.

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30 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

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33 **POD2018-00099 Koontz Bryant Johnson Williams for Pontus Vault**  
34 **Dunkin Donuts at 8727 Portfolio, LLC and The Heritage Group, LLC:** Request for  
35 **Staples Mill Road** approval of a plan of development and lighting plan as  
36 required by Chapter 24, Section 24-106 of the Henrico  
37 County Code, to construct a one-story, 2,938-square foot  
38 restaurant with drive through facilities. The 0.95-acre site is  
39 located at the southeastern corner of the intersection of  
40 East Parham Road and Staples Mill Road (U.S. Route 33),  
41 on parcel 770-755-3230. The zoning is B-2C, Business  
42 District (Conditional). County water and sewer. **(Brookland)**

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45 Mrs. Marshall - Is there anyone present who is opposed to the deferral of  
46 POD2018-00099, Dunkin' Donuts at 8727 Staples Mill Road until 5/23/18? I see no  
47 opposition. Mrs. Kotula?

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50 Mrs. Kotula - I move that POD2018-00099, Dunkin' Donuts at 8727 Staples  
51 Mill Road, be deferred to the May 23, 2018 meeting at the request of the applicant.

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54 Mr. Archer - Second.

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57 Mrs. Marshall - We have a motion by Mrs. Kotula, a second by Mr. Archer. All  
58 in favor say aye. Those opposed say no. There is no opposition; that motion passes.

At the request of the applicant, the Planning Commission deferred POD2018-00099,  
Dunkin' Donuts at 8727 Staples Mill Road, to its May 23, 2018 meeting.

Ms. News - Staff is not aware of any further requests.

Mr. Emerson - Madam Chair, if the Commission has no further deferrals to  
enter at this time, next will be the expedited agenda, and that will also be presented by  
Ms. Leslie News.

Ms. News - Good morning. We have several items on our expedited  
agenda this morning. The first item is found on page 3 of your agenda and is located in  
the Three Chopt District. This is a transfer of approval for a portion of POD-65-95, A Plus  
at Barony Village Shopping Center, which was formerly Barony Village Shopping Center.  
Staff recommends approval.

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**TRANSFER OF APPROVAL**

POD-65-95 (pt)  
POD2017-00510  
A Plus at Barony Village  
Shopping Center  
(Formerly Barony Village  
Shopping Center) – 3310  
Church Road

**Gray-Robinson, PA for 7-Eleven, Inc. and Donald Bowden, Sr.:** Request for transfer of approval of a portion of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, from Youngblood, Tyler and Associates, and Barony Associates, L.P. to 7-Eleven, Inc. The 1.44 -acre site is located in an existing shopping center at the northwestern corner of the intersection of Three Chopt Road and Church Road, on part of parcel 746-757-7579. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Three Chopt)**

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Mrs. Marshall - Is there anyone present who is opposed to TOA POD-65-95 (pt) (POD2017-00510), A Plus at Barony Village Shopping Center (formerly Barony Village Shopping Center?) I see no opposition. I move that TOA POD-65-95 (pt) (POD2017-00510), A Plus at Barony Village Shopping Center (formerly Barony Village Shopping Center), be passed.

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Mr. Baka - Second.

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Mrs. Marshall - We have a motion by Mrs. Marshall, a second by Mr. Baka. All in favor say aye. Those opposed say no. There is no opposition; that motion passes.

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The Planning Commission approved the transfer of approval request for POD-65-95 (pt) (POD2017-00510), A Plus at Barony Village Shopping Center (formerly Barony Village Shopping Center), subject to the standard and added conditions previously approved.

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Ms. News - The next item is found on page 4 of your agenda and located in the Three Chopt District. This is a transfer of approval for POD-28-97, Liberty Plaza II. Staff recommends approval.

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**TRANSFER OF APPROVAL**

POD-28-97  
POD2018-00041  
Liberty Plaza II – 10800  
Nuckols Road

**RMR Real Estate Services for SNH Liberty Plaza II, Inc.:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Lingerfelt Office Properties, LLC to SNH Liberty Plaza II, Inc. The 8.39-acre site is located on the northwestern corner of the intersection of Nuckols Road and Capital One Way, on parcel 752-767-2509. The zoning is O-3C, Office District (Conditional). County water and sewer. **(Three Chopt)**

84

85 Mrs. Marshall - Is there anyone present who is opposed to TOA POD-28-97  
86 (POD2018-00041), Liberty Plaza II? I see no opposition. I move that POD-28-97  
87 (POD2018-00041), Liberty Plaza II, move forward.

88  
89 Mr. Archer - Second.  
90  
91 Mrs. Marshall - We have a motion by Mrs. Marshall and a second by  
92 Mr. Archer. All in favor say aye. Those opposed say no. There is no opposition; that  
93 motion passes.

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95 The Planning Commission approved the transfer of approval request for POD-28-97  
96 (POD2018-00041), Liberty Plaza II, subject to the standard and added conditions  
97 previously approved.

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99 Ms. News - Next on page 5 of your agenda and located in the Three Chopt  
100 District is a landscape plan, POD2018-00095, Short Pump Manor at Bacova Section 4.  
101 Staff recommends approval.

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103 **LANDSCAPE PLAN**

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POD2018-00095                      **Youngblood, Tyler, and Associates for Bacova**  
Short Pump Manor at                      **Development Company, LLC:** Request for approval of a  
Bacova Section 4 – 4660                      landscape plan, as required by Chapter 24, Sections 24-106  
Pouncey Tract Road                      and 24-106.2 of the Henrico County Code. The 3.3-acre site  
is located on the northern line of Liesfeld Farm Drive,  
approximately 175 feet northwest of Manor Walk Drive  
(private), on parcel 738-766-4772 and part of parcel 738-  
767-8802. The zoning is R-5AC, General Residential  
District (Conditional), R-3C, One-Family Residential District  
(Conditional), and WBSO, West Broad Street Overlay  
District. County water and sewer. **(Three Chopt)**

105  
106 Mrs. Marshall - Is there anyone present who is opposed to POD2018-00095,  
107 Short Pump Manor at Bacova Section 4? I move that POD2018-00095, Short Pump  
108 Manor at Bacova Section 4, move forward.

109  
110 Mrs. Kotula - Second.  
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112 Mrs. Marshall - We have a motion by Mrs. Marshall, a second by Mrs. Kotula.  
113 All in favor say aye.

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115 Mr. Leabough - Just a point of clarification. We mean approved, right?

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117 Mrs. Marshall - Approved, yes.

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119 Mr. Leabough - Be approved and move forward.

120  
121 Mrs. Marshall - Be approved. Thank you. Those opposed say no. There is no  
122 opposition; that motion passes.  
123

124 The Planning Commission approved POD2018-00095, Short Pump Manor at Bacova  
125 Section 4, subject to the annotations on the plans and the standard conditions attached  
126 to these minutes for developments of this type.  
127

128 Ms. News - The next item is on page 6 of your agenda and located in the  
129 Three Chopt District. This is POD2018-00094, North Gayton Village Assisted Living.  
130 There is an addendum item on page 1 of your addendum which includes a revised caption  
131 adjusting the number of units in the development. Staff recommends approval.  
132

133 **PLAN OF DEVELOPMENT**  
134

POD2018-00094  
North Gayton Village  
Assisted Living – 4900  
Pouncey Tract Road

**Youngblood, Tyler, and Associates for Bacova Texas, LLC and New Millennium Senior Living Communities:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 131,598-square foot, ~~150~~ **141**-unit residential life care facility in two phases. The first phase totals 119,500 square feet and includes a one-story 8,248-square foot common dining and kitchen area; and a three-story 111,252-square foot residential area with 93 assisted living units, ~~50~~ **28** memory care units, and accessory service spaces. The second phase totals 12,098 square feet and includes a one-story residential addition with ~~27~~ **20** memory care units. The 5.22-acre site is located at the southwestern corner of the intersection at North Gayton Road and Pouncey Tract Road (State Route 271), on part of parcels 738-768-6389, 738-769-2544, and 738-769-4425. The zoning is R-6C, General Residential District (Conditional). County water and sewer. **(Three Chopt)**

135  
136 Mrs. Marshall - Is there anyone present who is opposed to POD2018-00094,  
137 North Gayton Village Assisted Living? I see no opposition. I move that POD2018-00094,  
138 North Gayton Village Assisted Living, be approved subject to the annotations on the plan,  
139 the standard conditions for developments of this type, and the following conditions 29  
140 through 40 in the agenda with the revised caption in the addendum.  
141

142 Mr. Baka - Second.  
143

144 Mrs. Marshall - We have a motion by Mrs. Marshall, a second by Mr. Baka.  
145 All in favor say aye. Those opposed say no. There is no opposition; that motion passes.  
146

147 The Planning Commission approved POD2018-00094, North Gayton Village Assisted  
148 Living, subject to the annotations on the plans, the standard conditions attached to these  
149 minutes for developments of this type, and the following additional conditions:

- 150
- 151 29. The construction plan for Leakes Mill Drive and Road 1 and related drainage and  
152 utility easements in North Gayton Village Section 1 shall be approved, and such  
153 improvements shall be constructed before any occupancy permits are issued.
- 154 30. The right-of-way for widening of North Gayton Road as shown on approved plans  
155 shall be dedicated to the County prior to any occupancy permits being issued. The  
156 right-of-way dedication plat and any other required information shall be submitted  
157 to the County Real Property Agent at least sixty (60) days prior to requesting  
158 occupancy permits.
- 159 31. The right-of-way for widening of Pouncey tract Road (State Route 271) (dedicated  
160 to VDOT) as shown on approved plans shall be dedicated to the County prior to  
161 any occupancy permits being issued. The right-of-way dedication plat and any  
162 other required information shall be submitted to the County Real Property Agent  
163 at least sixty (60) days prior to requesting occupancy permits.
- 164 32. The entrances and drainage facilities on State Route 271 shall be approved by the  
165 Virginia Department of Transportation and the County.
- 166 33. A notice of completion form, certifying that the requirements of the Virginia  
167 Department of Transportation entrances permit have been completed, shall be  
168 submitted to the Department of Planning prior to any occupancy permits being  
169 issued.
- 170 34. A concrete sidewalk meeting County standards shall be provided along the  
171 southern side of North Gayton Road.
- 172 35. A concrete sidewalk meeting VDOT standards shall be provided along the western  
173 side of Pouncey Tract Road (State Route 271).
- 174 36. The proffers approved as a part of zoning cases REZ2017-00008 and PUP2017-  
175 00008 shall be incorporated in this approval.
- 176 37. Approval of the construction plans by the Department of Public Works does not  
177 establish the curb and gutter elevations along the Henrico County maintained right-  
178 of-way. The elevations will be set by Henrico County.
- 179 38. Approval of the construction plans by the Department of Public Works does not  
180 establish the curb and gutter elevations along the Virginia Department of  
181 Transportation maintained right-of-way. The elevations will be set by the contractor  
182 and approved by the Virginia Department of Transportation.
- 183 39. The location of all existing and proposed utility and mechanical equipment  
184 (including HVAC units, electric meters, junction and accessory boxes,  
185 transformers, and generators) shall be identified on the landscape plans. All  
186 equipment shall be screened by such measures as determined appropriate by the  
187 Director of Planning or the Planning Commission at the time of plan approval.
- 188 40. Except for junction boxes, meters, and existing overhead utility lines, and for  
189 technical or environmental reasons, all utility lines shall be underground.
- 190

191 Ms. News - The next item is on page 9 of your agenda and located in the  
192 Three Chopt District. This is POD2018-00101, including a lighting plan, for Wawa at  
193 Parham and Three Chopt. Staff recommends approval.  
194

195 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**  
196

POD2018-00101                      **Kimley-Horn and Associates for R I Pruitt Family Prop  
Wawa – Parham and                      V LLC; Pruitt Richard V LLC and Faye C; and The  
Three Chopt – 9100 Three                      Rebkee Company:** Request for approval of a plan of  
Chopt Road                                      development and lighting plan, as required by Chapter 24,  
Section 24-106 of the Henrico County Code, to construct a  
4,736-square foot, one-story convenience store with fuel  
pumps. The 2.59-acre site is located on the northern corner  
of the intersection of Three Chopt Road and North Parham  
Road, on parcel 754-747-0694. The zoning is B-2C,  
Business District (Conditional). County water and sewer.  
**(Three Chopt)**

197  
198 Mrs. Marshall - Is there anyone present who is opposed to POD2018-00101,  
199 Wawa – Parham and Three Chopt? I see no opposition. I move that POD2018-00101,  
200 Wawa – Parham and Three Chopt, be approved.  
201

202 Mrs. Kotula - Second.  
203

204 Mrs. Marshall - We have a motion by Mrs. Marshall, and second by  
205 Mrs. Kotula. All in favor say aye. Those opposed say no. There is no opposition; that  
206 motion passes.  
207

208 The Planning Commission approved POD2018-00101, Wawa – Parham and Three  
209 Chopt, including a lighting plan, subject to the annotations on the plans, the standard  
210 conditions attached to these minutes for developments of this type, and the following  
211 additional conditions:  
212

- 213 11B. Prior to the approval of an electrical permit application and installation of the site  
214 lighting equipment, a plan including light spread and intensity diagrams, and fixture  
215 specifications and mounting heights details shall be revised as annotated on the  
216 staff plan and included with the construction plans for final signature.
- 217 29. The right-of-way for widening of North Parham Road as shown on approved plans  
218 shall be dedicated to the County prior to any occupancy permits being issued. The  
219 right-of-way dedication plat and any other required information shall be submitted  
220 to the County Real Property Agent at least sixty (60) days prior to requesting  
221 occupancy permits.
- 222 30. A concrete sidewalk meeting County standards shall be provided along the  
223 western side of North Parham Road and the eastern side of Three Chopt Road.
- 224 31. The proffers approved as a part of zoning case REZ2017-00025 shall be  
225 incorporated in this approval.

- 226 32. Outside storage shall not be permitted.
- 227 33. Approval of the construction plans by the Department of Public Works does not
- 228 establish the curb and gutter elevations along the Henrico County maintained right-
- 229 of-way. The elevations will be set by Henrico County.
- 230 34. The location of all existing and proposed utility and mechanical equipment
- 231 (including HVAC units, electric meters, junctions and accessory boxes,
- 232 transformers, and generators) shall be identified on the landscape plan. All building
- 233 mounted equipment shall be painted to match the building, and all equipment shall
- 234 be screened by such measures as determined appropriate by the Director of
- 235 Planning or the Planning Commission at the time of plan approval.
- 236

237 Ms. News - The next item is found on page 17 of your agenda, and is

238 located in the Varina District. This is a landscape plan for POD2018-00097, Fairfield Inn

239 and Suites at the Richmond Airport. There's an addendum item on page 3 of your

240 addendum, which references that there is a revised plan included and that staff's

241 comments are addressed with that plan. Staff recommends approval.

242

243 **LANDSCAPE PLAN**

244

POD2018-00097  
Fairfield Inn and Suites –  
Richmond Airport – 5252  
Airport Square Lane

**Sekiv Solutions for Khushal, LLC:** Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 3.73-acre site is located on the northern line of Airport Square Lane, approximately 331 feet north of Williamsburg Road, on parcel 818-714-9682. The zoning is B-3, Business District and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

245

246 Mrs. Marshall - Is there anyone present who is opposed to the landscape plan

247 for POD2018-00097, Fairfield Inn and Suites – Richmond Airport? Mr. Leabough?

248

249 Mr. Leabough - Madam Chair, I move that POD2018-00097, Fairfield Inn and

250 Suites – Richmond Airport, be approved subject to standard conditions for landscape

251 plans, annotations on the plans, and the revised plan as noted in the addendum.

252

253 Mr. Baka - Second.

254

255 Mrs. Marshall - We have a motion by Mr. Leabough, a second by Mr. Baka.

256 All in favor say aye. Those opposed say no. There is no opposition; that motion passes.

257

258 The Planning Commission approved the landscape plan for POD2018-00097, Fairfield

259 Inn and Suites – Richmond Airport, subject to the standard conditions attached to these

260 minutes for landscape plans.

261

262 Ms. News - The next item is on page 18 of your agenda and is located in  
263 the Varina District. This is SUB2018-00021, New Market Village (March 2018 Plan). Staff  
264 recommends approval.

265

266 *(Deferred from the March 28, 2018 Meeting)*

267 **SUBDIVISION**

268

SUB2018-00021  
New Market Village  
(March 2018 Plan) – 2355  
Darbytown Road

**Balzer and Associates, Inc. for New Market Village Land Co., LLC and New Market Village Homeowners Association:** The 23.75-acre site proposed for 23 zero-lot line detached dwelling units and 34 townhouse units for sale is located on the southern line of Darbytown Road, approximately 900 feet west of its intersection with South Laburnum Avenue, on parcels 812-700-4749, 813-701-0217, and 812-701-2146. The zoning is R-5AC, General Residential District (Conditional), RTHC, Residential Townhouse District (Conditional), and ASO, Airport Safety Overlay District. County water and sewer. **(Varina) 57 Lots**

269

270 Mrs. Marshall - Is there anyone present who is opposed to SUB2018-00021,  
271 New Market Village (March 2018 Plan)? Mr. Leabough?

272

273 Mr. Leabough - Madam Chair, I move that SUB2018-00021, New Market  
274 Village (March 2018 Plan), be approved on the expedited agenda subject to annotations  
275 on the plan, standard conditions for residential townhomes for sale and zero-lot-line  
276 subdivisions, and conditions 16 and 17 as noted in the agenda.

277

278 Mrs. Marshall - Second. We have a motion by Mr. Leabough, a second by  
279 Mrs. Marshall. All in favor say aye. Those opposed say no. There is no opposition; that  
280 motion passes.

281

282 The Planning Commission granted conditional approval to SUB2018-00021, New Market  
283 Village (March 2018 Plan), subject to the standard conditions attached to these minutes  
284 for subdivisions served by public utilities, the annotations on the plans, and the following  
285 additional conditions:

286

287 16. The proffers approved as part of zoning case REZ2018-00007 shall be  
288 incorporated in this approval.

289 17. A County sidewalk shall be constructed along the south side of Darbytown Road.

290

291 Ms. News - The final item is on page 19 of your agenda and is located in  
292 the Varina District. This is POD2018-00103, New Market Village, Section 4. Staff  
293 recommends approval.

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298 **PLAN OF DEVELOPMENT**

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POD2018-00103  
New Market Village  
Section 4 – 2355  
Darbytown Road

**Balzer and Associates, Inc. for New Market Village Land Co, LLC and New Market Village Homeowners Association:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 23 zero-lot line detached dwelling units and 34 townhouse units for sale. The 23.75-acre site is located on the southern line of Darbytown Road, approximately 900 feet west of its intersection with South Laburnum Avenue, on parcels 812-700-6628, 813-701-0217, and 812-701-2146. The zoning is R-5AC, General Residential District (Conditional), RTHC, Residential Townhouse District (Conditional), and ASO, Airport Safety Overlay District. County water and sewer.  
**(Varina)**

300

301 Mrs. Marshall - Is there anyone present who is opposed to POD2018-00103,  
302 New Market Village, Section 4? Mr. Leabough?

303

304 Mr. Leabough - Madam Chair, I move that POD2018-00103, New Market  
305 Village, Section 4, be approved on the expedited agenda subject to annotations on the  
306 plan, standard conditions for developments of this type, and conditions 29 through 38 as  
307 noted on the agenda.

308

309 Mrs. Kotula - Second.

310

311 Mrs. Marshall - We have a motion by Mr. Leabough and a second by  
312 Mrs. Kotula. All in favor say aye. Those opposed say no. There is no opposition; that  
313 motion passes.

314

315 The Planning Commission granted conditional approval to POD2018-00103, New Market  
316 Village, Section 4, subject to the standard conditions attached to these minutes for  
317 developments of this type, the annotations on the plans, and the following additional  
318 conditions:

319

320 29. Roof edge ornamental features that extend over the zero lot line, and which are  
321 permitted by Section 24-95(i)(1), must be authorized in the covenants.

322 30. Eight-foot easements for construction, drainage, and maintenance access for  
323 abutting lots shall be provided and shown on the POD plans.

324 31. Building permit request for individual dwellings shall each include two (2) copies of  
325 a layout plan sheet as approved with the plan of development. The developer may  
326 utilize alternate building types providing that each may be located within the building  
327 footprint shown on the approved plan. Any deviation in building footprint or  
328 infrastructure shall require submission and approval of an administrative site plan.

- 329 32. Windows on the zero lot line side of the dwelling can only be approved with an  
330 exception granted by the Building Official and the Director of Planning during the  
331 building permit application process.
- 332 33. The mechanical equipment for each building shall be located on its respective lot.  
333 The location of the equipment shall be reviewed and approved with the building  
334 permit application for each lot. Except for wall-mounted electric meters, in no case  
335 shall the eight-foot easement for construction, drainage, and maintenance access  
336 on the abutting lot be used to locate other mechanical equipment (such as HVAC  
337 equipment, generators, and the like) for the subject lot.
- 338 34. The subdivision plat for New Market Village Section 4 shall be recorded before any  
339 building permits are issued.
- 340 35. The right-of-way for widening of Darbytown Road as shown on approved plans  
341 shall be dedicated to the County prior to any occupancy permits being issued. The  
342 right-of-way dedication plat and any other required information shall be submitted  
343 to the County Real Property Agent at least sixty (60) days prior to requesting  
344 occupancy permits.
- 345 36. A concrete sidewalk meeting County standards shall be provided along the  
346 southern side of Darbytown Road.
- 347 37. The proffers approved as a part of zoning case REZ2018-00007 shall be  
348 incorporated in this approval.
- 349 38. The owners shall not begin clearing of the site until the following conditions have  
350 been met:
- 351 (a) The site engineer shall conspicuously illustrate on the plan of development  
352 or subdivision construction plan and the Erosion and Sediment Control  
353 Plan, the limits of the areas to be cleared and the methods of protecting the  
354 required buffer areas. The location of utility lines, drainage structures and  
355 easements shall be shown.
- 356 (b) After the Erosion and Sediment Control Plan has been approved but prior  
357 to any clearing or grading operations of the site, the owner shall have the  
358 limits of clearing delineated with approved methods such as flagging, silt  
359 fencing or temporary fencing.
- 360 (c) The site engineer shall certify in writing to the owner that the limits of  
361 clearing have been staked in accordance with the approved plans. A copy  
362 of this letter shall be sent to the Department of Planning and the Department  
363 of Public Works.
- 364 (d) The owner shall be responsible for the protection of the buffer areas and for  
365 replanting and/or supplemental planting and other necessary improvements  
366 to the buffer as may be appropriate or required to correct problems. The  
367 details shall be included on the landscape plans for approval.

368  
369 Ms. News - That completes our expedited agenda.

370  
371 Mr. Emerson - Madam Chair, we now move on to the next item, which are  
372 Subdivision Extensions of Conditional Approval. Those appear on page 2 of your agenda  
373 and also on page 1 of your amended agenda. They will be presented by Ms. Kate  
374 McMillion.

375  
376  
377

**EXTENSIONS - FOR INFORMATIONAL PURPOSES ONLY**

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2011-00024 SUB-004-11 Broaddus Glen (April 2011 Plan)	34	34	6	Fairfield	July 1, 2020
SUB2013-00040 Short Pump Manor at Bacova (April 2013 Plan)	89	11	4	Three- Chept	July 1, 2020

378

379 Ms. McMillion - Good morning. As noted in the addendum, there is now only  
380 one conditional subdivision extension on the agenda this morning. Since the agenda  
381 preparation, Short Pump Manor at Bacova (April 2013 Plan) has been granted final  
382 subdivision approval to the remaining lots that were eligible for their conditional extension.

383

384 The remaining case Broaddus Glen (April 2011 Plan), which is located in the Fairfield  
385 District, is eligible for an automatic extension to July 1, 2020. The approval was granted  
386 prior to January 1, 2017, and that approval is still valid. The extension is presented for  
387 informational purposes only and does not require any Commission action.

388

389 I'm available for any questions you may have.

390

391 Mrs. Marshall - Any questions from the Commission? Thank you.

392

393 Mr. Emerson - Madam Chair, we now move to page 11 of your agenda for  
394 POD2018-00093, Koontz Bryant Johnson Williams for SM Richmond LLC. The staff  
395 report will be presented by Mr. Matt Ward.

396

**PLAN OF DEVELOPMENT**

397

398  
POD2018-00093  
Wistar Glen and the  
Townes of Wistar Woods  
Section 3 – 4613 Wistar  
Road  
**Koontz Bryant Johnson Williams for SM Richmond, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 24 two-story residential townhouses for sale and 136 condominium units within ten four-story buildings. The 15.17-acre site is located at the southeastern corner of the intersection of Wistar Road and Shrader Road, on parcel 767-751-2632 and part of parcel 768-750-1563. The zoning is R-6C, General Residential District (Conditional) and RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Brookland)**

399  
400 Mr. Ward - Good morning, Planning Commission, Mr. Secretary. I know  
401 we have some opposition this morning.

402  
403 Mrs. Marshall - Is there anyone present who is opposed to POD2018-00093,  
404 Wistar Glen and the Townes of Wistar Woods Section 3? Okay, we will be with you  
405 shortly.

406  
407 Mr. Ward - This proposed plan of development is a continuation of the  
408 adjacent Wistar Woods (Section 1 and Section 2) community currently under  
409 construction. This property was originally zoned from R-3 to RTHC back in June 2005 for  
410 townhomes. The recent rezoning case REZ2017-00019 was approved by the Board of  
411 Supervisors on September 12, 2017, and that changed the zoning from RTHC to the R-  
412 6C that you see now for the townhomes and condominiums.

413  
414 As proposed, this development will hold 160 residential units, which is 10.5 units per acre.  
415 Also per the proffers, a sidewalk along Wistar Road and a 25-foot-wide landscape buffer  
416 will be provided, and 10-foot-wide buffers along the eastern and southwestern property  
417 lines will be provided as well. There is a large area of wetlands here consisting of mature  
418 trees and vegetation that's interior to the site and along a good portion of Wistar Road  
419 that will be protected. As indicated in the proffers, the landscape plan will return to the  
420 Planning Commission for review and approval.

421  
422 Furthermore, along Wistar Road a decorative metal fence, wrought iron in appearance,  
423 will be supported with stone or brick columns spaced fifty feet on center to match the  
424 existing-style fence in Wistar Woods Sections 1 and 2.

425  
426 As mentioned earlier, you do have 136 four-story condominium units at 1,400 minimum  
427 square feet and 24 two-story townhomes. The townhomes will include one- or two-car  
428 garages and the condos will feature two-car garages. All garage doors will have at least  
429 one architectural feature. And the architectural elevations shown here provide 25 percent  
430 brick or stone front facades; the remaining material includes a majority of Hardi siding.

431  
432 Early this week, staff met with citizens to discuss poor drainage behind their homes in  
433 Wistar Woods Section 2, along here. That's along Wistar Woods Court. Additional  
434 concerns mentioned included increased traffic and unreasonable use of backyards based  
435 on fence placement and grades.

436  
437 At this time, staff has shown that this POD is consistent with adopted proffers and the  
438 Zoning Ordinance, and we can recommend approval of the plans with standard conditions  
439 for developments of this type, condition 9 amended for the landscape plan to return to the  
440 Planning Commission, and then additional conditions 29 through 34 in your agenda.

441  
442 This concludes my presentation. I'm happy to answer any questions the Commission may  
443 have of me. Greg Koontz, engineer with KBJW, as well as Jeremy Swink with Stanley

444 Martin, and Greg Stauffer with Ryan Homes are here, as well as Henry Wilton, the  
445 developer.

446  
447 Mrs. Marshall - Do we have any questions from the Commission?  
448 Mrs. Kotula, who would you like to hear from first?

449  
450 Mrs. Kotula - I would like to hear from the folks that came out in opposition  
451 first.

452  
453 Mrs. Marshall - Okay. Mr. Secretary, if you could please go over the rules for  
454 opposition.

455  
456 Mr. Emerson - Yes ma'am, Madam Chair. The Commission does have  
457 guidelines for their public hearings, and they are as follows: The applicant is allowed ten  
458 minutes to present the request, and time may be reserved for responses to testimony.  
459 Opposition is allowed a cumulative ten minutes to present its concerns. What that means  
460 is everybody speaking in opposition needs to fit within that ten-minute time frame.  
461 Commission questions don't count into the time limits. The Commission may waive the  
462 limits for either party at its discretion. Any comments must be directly related to the case  
463 under consideration.

464  
465 Mrs. Marshall - At this time, if you would please come up one person at a time.  
466 As you approach the podium, please state your name for the record.

467  
468 Ms. Vantuyle - Good morning. My name is Linda Vantuyle. I live at 7904  
469 Wistar Woods Court in Phase 2 of this development. As Matt described, the zoning was  
470 changed in September. As residents, we were not aware of that. I guess we hadn't closed  
471 yet. Didn't know that the zoning was changed and would result in 10 four-story buildings  
472 being put on that land.

473  
474 One of our primary concerns, as he mentioned, there has been drainage behind our  
475 homes. We have had standing water, mud, and wet soil behind us consistently since  
476 before we moved in. This issue has been raised with Ryan Homes. I personally have  
477 spoken with Megan Bakel, who is the vice president for Ryan Homes, who assured me  
478 that the problem would be rectified before we moved in, that the swale would be smoothed  
479 and graded, and we wouldn't have a problem with water. That has proved not to be the  
480 case.

481  
482 Over seven months we have repeatedly brought this to the attention of the construction  
483 manager and to Ryan Homes. Two weeks ago, a trench was initiated behind our home.  
484 This has resulted in our inability to use our property, our inability to fence in our back yard,  
485 and to be able to have any use of that area whatsoever. The sod on the bank is also  
486 deteriorating. You can see how this goes right up to the patio or to the fence beyond me.  
487 And people on the other side of me have not been able to put in a fence to be able to use  
488 their yard.

489

490 We have some requests as to how this might be rectified. The drainage issue needs to  
491 be resolved. I spoke with Zuzanna Lesniak, who is a County engineer, yesterday, who  
492 assured me that drainage could be improved and that grading could be done to alleviate  
493 this problem. We would like some assurances in writing that this will be done and a time  
494 frame for when that will be done. Also, an assurance that the sod on the bank will be  
495 maintained because the soil is just dropping down that bank.

496  
497 Another concern is the buffer zone behind our property. I don't know how wide that is  
498 supposed to be, but there are many dead trees in that buffer zone, two of which have  
499 fallen down onto our property and broken a part of the fence. That was six weeks ago  
500 that the fence was broken, and it still has not been repaired. There is no fence on the east  
501 side of our property where there is an industrial complex with equipment. It's very  
502 unsightly. Our request is to remove the dead trees in that buffer zone, provide new trees  
503 and landscaping in that area so that it is truly a buffer, and to repair the fence, and also  
504 to replace fencing along that east side. Where you can see that orange? There's no  
505 fencing there, no privacy fence.

506  
507 Another concern is there is only one access road into the new development from Wistar  
508 Road. The other access road goes through our community, and there has been no traffic  
509 impact study done. There is no control over the trucks and the traffic that will be going  
510 through Wistar Woods into the new development. We're requesting that an impact study  
511 be done and that Wistar Woods Drive be blocked into Wistar Woods during construction  
512 so that construction vehicles cannot use that entrance. We would also like to see a weight  
513 limit added to our portion of Wistar Woods Drive to prevent heavy vehicles from going  
514 through our development. Also, could the developer investigate the possibility of an  
515 additional ingress and egress road to the new construction?

516  
517 Our concern with construction also includes the fact that we live in a construction zone  
518 now. There is constant dust and dirt. It's my understanding that the environmental  
519 inspector requires the areas that are dusty to be hosed down with water to prevent that  
520 dust from affecting our property. That hasn't been done.

521  
522 We would also like to request a limit to the construction times and to limit construction on  
523 Sundays.

524  
525 I've looked at the plan for the new development and have some questions about the  
526 landscaping. I know that's going to be addressed at a future meeting. There is very little  
527 green in that area, and it looks very industrial and institutional. We are requesting that  
528 more trees and shrubs be added to mitigate the institutional look of the area and to protect  
529 our property values.

530  
531 This will be a high-density population area, and many of our neighbors now have dogs,  
532 and I'm assuming that people in the new community will have dogs. So we are requesting  
533 that dog stations be provided throughout the community, both ours and the new  
534 construction.

536 Finally, we would like some continuity of architecture, matching the color scheme, the  
537 brick, and the general architecture of our area so that we have some continuity in the  
538 neighborhood.

539  
540 I want to thank you for this opportunity. To end on a positive note, I'm very happy about  
541 the sidewalk being provided. Thanks.

542  
543 Mr. Archer - Ma'am, excuse me, before you leave. You indicated early in  
544 your remarks that you had been promised that some work would be done. Was that just  
545 not done or was it done and wasn't sufficient?

546  
547 Ms. Vantuyle - It wasn't done. We were told it was because it was wet and  
548 they were waiting for it to dry out. Well that area doesn't dry out. It is mud and standing  
549 water almost all the time. In the last two weeks when it was dry, the soil looked dry. And  
550 I planted some flowers, and I thought this is going to be hard. Well, it wasn't because it's  
551 mud underneath.

552  
553 So we have been told that it would be fixed. I have talked with engineers who have said  
554 a French drain needs to be put in there, a pipe to drain that water. It's only going to get  
555 worse with the new construction behind us. We can't use our backyard, and I am  
556 concerned that my patio that I paid for will be damaged from the standing water and from  
557 the erosion that will occur.

558  
559 Mr. Archer - Okay, thank you. You answered my question. Thank you.

560  
561 Ms. Vantuyle - Okay.

562  
563 Mr. Holland - Good morning. My name is Norman Holland. I also live in that  
564 same section—in fact, I think I took that picture—at 7924 Wistar Woods Court. Linda  
565 spelled out most of our concerns quite nicely.

566  
567 A couple of things I wanted to point out. This fence you see here on this picture is just at  
568 the end of the patio of this particular person. Her land goes all the way up to the white  
569 fence. It's supposed to be about thirty feet of back yard from the back of your house to  
570 the end of your property. So you can see we're getting use of maybe 40 percent of our  
571 backyard and 60 percent is not usable.

572  
573 Linda, when she spoke to the vice president in DC of Ryan Homes, she stated they were  
574 going to take that out, which I realize is not possible because underneath this is a ten-  
575 foot right of way for electrical, telephone, cable, et cetera. So even putting a trench in  
576 there, cutting everybody's cable access as they do it. So I can imagine what it would be  
577 like if they take that hill down or out, which would be great for us. That would be the perfect  
578 idea, but at this point it seems like it's too expensive and not reasonable to ask. Nor do  
579 we think we would get it.

580

581 Our concern now is for them to actually do what they said they would do. I think my biggest  
582 concern is from my experience—we all moved in in September, this section. Settled in  
583 September of 2017. What we were told so we could go to settlement is not what has  
584 turned out. So my concern is if this is how it's happening in Section 2, what we're being  
585 told about the new section, I have concern about whether that will be followed through  
586 with as well. Code compliance as far as working times. The guys work seven days a  
587 week. Early and late. The dust. That whole bit about compliance is important to us as  
588 well.

589  
590 I guess we have a problem civilly with Ryan Homes. We were told that this was going to  
591 be a nice wooded area, single-family homes behind us. We were showed a plat of my lot.  
592 And the survey extended onto the property next to us. You could see the single-family  
593 homes, the drawn sites, which had to be before 2005. So we were shown information that  
594 was dated more than ten years old to convey the statement that there are single-family  
595 homes behind you. That's a grave concern to me now, finding out what actually is the  
596 case.

597  
598 So I have concern about what they represent for the next section and how they plan on  
599 selling that section to unsuspecting future tenants and owners of property. That's all I  
600 wanted to talk about. Any questions? Thank you.

601  
602 Mrs. Kotula - Thank you.

603  
604 Mrs. Marshall - Thank you.

605  
606 Mr. Ely - Good morning, Commission. Thank you for your time this  
607 morning. My name is Mike Ely. I am also on Wistar Woods Court. I am in the final section  
608 of 27980, so I'm closest to Wistar Road.

609  
610 My only concern—and quite frankly, as a resident of western Henrico County for the last  
611 thirteen years, I'm pleased with the growth and development that we've seen. But my only  
612 concern is that the tree line buffer that was indicated to us at time of sale was thirty feet.  
613 We are now being told that's ten feet. It's woods behind there. We'd like to keep those  
614 woods as much as possible for wildlife and for privacy. So I ask that Ryan Homes with  
615 the development just please reconsider what distance they're going to clear from the back  
616 of the property line in Section 3 to the back of the property line in Section 2. Thank you.

617  
618 Mrs. Kotula - Thank you.

619  
620 Mrs. Marshall - Thank you. We are out of time at this point, but if there is  
621 someone else that would like to speak, you may come forward.

622  
623 Ms. North - Good morning. My name is Sharon North. I only recently  
624 moved in. I closed in January, and I am on Wistar Woods Court. I'm in the second set of  
625 buildings, so I don't have any water issues or anything like that.

627 But I was told when I first started going through all of my paperwork and everything that  
628 there was no knowledge of who might own that property behind me, so they couldn't  
629 guarantee what could end up there. But apparently that wasn't true because this kind of  
630 stuff just doesn't happen overnight.

631  
632 I'm concerned, as the gentleman before me was. I was told about the thirty feet and now  
633 it's down to ten. Ten feet is not even twice my height, because I'm five two. So that's not  
634 going to be—I mean they'll be right up on top of us. And I have an issue with that. I think  
635 that buffer needs to be a lot larger, at least thirty or forty—or even fifty feet. I realize that  
636 this is a business for profit, and the more buildings they can sell, the more units, the more  
637 money for them. But the people who own the property there now are not being guaranteed  
638 what we were told would happen, and it's just wrong. It's unconscionable, and it shouldn't  
639 happen.

640  
641 I think there should be ingress and egress—I'm in agreement with the big trucks. And I  
642 certainly hope that when that building starts over there that the traffic and everything from  
643 that does not impact us, that there's some way that they've cut through over there in  
644 advance and that the trucks can just go into where they need to go and not come through  
645 where we are. It's disturbing enough as it is right now.

646  
647 I think for the most part we kind of understand their building, but I'm starting to get a little  
648 concerned about it.

649  
650 And I also agree with the lady who mentioned the landscaping. I think we do need a little  
651 bit more landscaping there. We have no trees or anything really in front of our property.  
652 The end units, it's just whatever that driveway there that they put for fire trucks and what  
653 not, but nothing along the sides of our buildings.

654  
655 There are things that need to be addressed, and Ryan Homes and whoever they are  
656 working with, they need to address them. It's only fair; it's only right. We've spent our  
657 money, and we need to make sure that things are done in accordance with what we were  
658 told. Thank you.

659  
660 Mrs. Kotula - Thank you.

661  
662 Mrs. Marshall - Thank you.

663  
664 Mrs. Kotula - All right. I would like to hear from the applicant now. And if I  
665 may request in your remarks if you could cover the following things that I heard from the  
666 neighbors: drainage concerns, how those will be addressed as a part of this process; the  
667 buffering between and if there are—I know this isn't the landscape plan approval, but if  
668 there are intentions of leaving existing vegetation; construction traffic, how that's going to  
669 be handled; construction timing. I think Matt already addressed the continuity of  
670 architecture that'll be occurring. And anything else you might like to address.

671

672 Mr. Wilton - Yes ma'am. Madam Chairman, members of the Commission,  
673 for the record, my name is Henry Wilton. I did have the privilege of developing the initial  
674 parcel of properties, rezoning it, and also going ahead and—I will make sure that all the  
675 zoning restriction proffers are as approved, will be followed. And then we set up the new  
676 builder. Ryan only has 24 units of the 160 units next door to the other 130 units, Stanley  
677 Martin. We have representatives from both those builders here today.

678  
679 Let me respond to these issues and also the people that live in Wistar Woods, because  
680 obviously we owe them to take care of them. Usually that's handled through the  
681 association and Ryan once we go ahead with the property. And right now we're getting  
682 ready to finish a gazebo that's been ordered for in there. We are expanding the BMP in  
683 the first project by making it deeper so we can use it in the second project so we don't  
684 have another huge BMP sitting out there for the County to maintain at a later point. One  
685 of the other benefits of putting these two together is that the 160 units on the tract and  
686 the association come together. And this has already been approved by Meridian, who  
687 controls that association, the older Wistar Woods part, which are two- and three-story  
688 units by Ryan.

689  
690 That agreement shares the responsibility and the maintenance of the BMP between all  
691 those people now. Instead of 107 units next door of the original project having to take  
692 care of that large BMP, in addition you've got the 160 units on the other property coming  
693 together on that. They have a cross-easement agreement that's been approved by  
694 Meridian, who's actually still the declarant in the original piece of property that we  
695 developed.

696  
697 And we're still under construction, so there are some problems. That is not an impressive  
698 way to handle the drainage problem in the back. Maybe we can have the Ryan Homes'  
699 representative—where'd he go? You can come up here and talk in a minute. To make  
700 sure that we go ahead and get him aligned with the people too. But I will set up a meeting  
701 with them, and we will take care of that drainage problem. The drainage, again, as we  
702 finish up construction we'll take care of that. We'll expand the yards as much as we can  
703 and do what's necessary. We will make them happy.

704  
705 The buffering, as you can see here, what we did—and that's not the one I want. Can you  
706 show me the new units that are on the other side? I want to show both the properties  
707 together, the one that we had before. That's a good one. They're talking about this issue  
708 right in here as it backed up to a property that hasn't been—the development process  
709 hasn't been done yet. Construction plans, we're hoping for a July start because that water  
710 is now coming through there and obviously causing a problem for us. But we have to take  
711 care of all that water. We distribute it, take care of twice as much water as we used to  
712 because we're under new regulations as of two years ago. So we're doing a better job of  
713 it because we have to.

714  
715 Again, that BMP that is over here, we're putting in gazebos. We're having some walking  
716 trails put in. The gazebo is coming from Pennsylvania. It's a large 20-by-40 structure.  
717 There's a huge tree that we left here. And again, we're expanding that BMP. Over here,

718 these are some wetlands that we're obviously not touching. We are putting a sidewalk  
719 along here.

720  
721 In looking at the buffering, when we actually set this new project up, there are two- and  
722 three-story units in here, the old units. Over here I went ahead and specifically—instead  
723 of doing four-story units against two-story units, I put in twenty-four townhouses, which  
724 will be sold to Ryan. So we have Ryan against Ryan. There is no difference in the  
725 manufacture of these homes versus these homes. They're the same home that's going  
726 to be put in. So again, they're backing up to the same product that they have. If it was  
727 single-family, obviously, which it hasn't been since 2005, you would buffer. But you're not  
728 buffering townhouses against townhouses. What we did is we moved the four-story units  
729 that we put in against the shopping center here and against the office facility here. There  
730 are some offices over there. I obviously always love density, but we took down the density  
731 here, here, and here to make sure that these people are actually backing up to the same  
732 product that they are in now. And that wasn't a necessity; that was our plan. So there is  
733 no buffer plan between the two.

734  
735 They were also looking at I think some—this must be that funny little blue warehouse or  
736 something that they were looking at over here. They are talking about the trees through  
737 the buffer in the back here, which we actually have a white fence that goes through the  
738 back there. They have some dead trees in the buffer and so on. Again, we'll go in there,  
739 pull the dead trees out, and we'll put some additional plantings in. If the Planning staff  
740 wants to go with us, we'll be happy to take them with us. I think that kinda needs a little  
741 bit of blocking anyway. But you couldn't see it before.

742  
743 As far as the issues, Sunday, we're restricted under Sunday from nine to five. We cannot  
744 go any further than from nine to five. If they are working earlier than that, you need to  
745 report it and we'll stop it.

746  
747 Mr. Ely - [Off microphone] We have, and they're not stopping.

748  
749 Mr. Wilton - And they don't stop.

750  
751 Mr. Ely - [Off microphone] No sir.

752  
753 Mr. Wilton - Okay. Call me. I'll give you my number, okay?

754  
755 So, looking at the construction traffic, we can certainly go ahead and take that. It was  
756 never meant—the new access into the other community—to use all the roads together.  
757 We have a roundabout in their subdivision, which disperses the traffic. And that's what  
758 Traffic wanted us to do. And then another access into the other community. So we have  
759 cross-access agreements already in place, being generated and signed by the declarant  
760 of the current association and the owner of the second. Stanley Martin owns the other  
761 piece of property, which I'm developing for them.

762

763 We will have a sign that no construction traffic will enter that road or after they finish  
764 construction in the main part, no construction traffic will come back through there. None  
765 of the construction traffic coming through to the new section will come through Wistar  
766 Woods as it stands right now. So we'll put up a "no construction traffic" sign there to go  
767 ahead and alleviate those things.

768  
769 But I think we need to have a meeting with the people and with the Ryan Homes' rep to  
770 find out and make known the other issues, basically address the other issues with them.

771  
772 Other than that—where was it? Again, the piece next door was zoned since 2005 for  
773 townhouses. I don't see how they could show anybody with single-family homes unless  
774 they thought they were on the other side of the property, because that was always single-  
775 family there when we put in the initial section. I don't know if it was ever zoned single-  
776 family. But again, we'll get with the association.

777  
778 Other than that, would you all like to talk to the Ryan Homes' representation?

779  
780 Mrs. Marshall - I have a question for you. Any consideration given to no  
781 construction hours on Sunday?

782  
783 Mr. Wilton - No. That was a proffer that we went with originally. Again, I  
784 zoned both of these. That was the zoning. If that was an issue at zoning, then that's the  
785 time it should have happened. I can ask Ryan to go ahead and back down, but they're  
786 under schedules like everybody else. And Stanley Martin's going to be under schedules  
787 like everybody else.

788  
789 Mrs. Marshall - Okay. As far as the roads not being cleaned and constantly  
790 dirty, does your company or Ryan or Stanley Martin at least once week, maybe a little bit  
791 further out than that, do you take the time to clean the roads?

792  
793 Mr. Wilton - Yes. We actually have a clean-out station. When we start the  
794 property, we actually have a clean-out station for when the trucks come through there.  
795 We have to go ahead and clean all their wheels and get the mud off and so on. That was  
796 during the construction process. We're waiting for these showers to stop and the weather  
797 to go ahead and be adequate so we can actually go ahead and get grass to grow in there.  
798 Right now we've had a terrible spring. I think everybody has.

799  
800 Again, that whole area where I'm putting the gazebo, where we're building foundations  
801 for it now, that'll be in. We'll be cleaning up that entire area. We're just waiting for it to  
802 kind of dry out. We'll have that done in the next thirty days unless weather prevents us  
803 from doing so. I'm talking about all the common area in the middle of the initial project.

804  
805 Mrs. Marshall - Okay. Any more questions?  
806

807 Mr. Archer - Mr. Wilton, if you could, or if not you, maybe someone else on  
808 your team – in reflecting on the picture that showed that drainage area that looked so bad  
809 in the rear—

810  
811 Mr. Wilton - I agree with you.

812  
813 Mr. Archer - —what specifically do you think could be done? The lady that  
814 spoke first mentioned a French drain, which would indicate bringing in soil after the drain  
815 is applied to bring it up.

816  
817 Mr. Wilton - I think we all agree that was not a good picture. We will correct  
818 that picture. The question here is what we can do. What is your—step up here.

819  
820 Mr. Staufer - Greg Staufer with Ryan Homes. I'm with the land acquisition  
821 department.

822  
823 Mrs. Marshall - Can you step up to the microphone, please?

824  
825 Mr. Staufer - Greg Staufer with Ryan Homes. I'm in our land acquisition  
826 department. I'll be happy to get the phone numbers and names of the people that are  
827 here so I can get them to the right people. I'm not the right person; I don't handle that. But  
828 I will be happy to help them and get that resolved. Probably the best thing to do would be  
829 to get an engineer involved and some of the people in our construction department out  
830 on site, take a look at it, and figure out a solution. I don't know. Maybe Greg Koontz or  
831 the original engineer who designed it. I've been in construction for twenty-four years, and  
832 this is a common problem all the time. It's usually an engineering issue from the  
833 beginning. It should have been designed for drainage from the beginning. But I think the  
834 best thing to do is meet out on the site with the homeowners, an engineer, come up with  
835 a solution. And I don't disagree that a French drain is probably a way to resolve the issue.

836  
837 Mr. Leabough - So a quick question as far as orienting myself to that situation.  
838 Where is that exactly? Is that between the two parcels?

839  
840 Mr. Staufer - Is it right there?

841  
842 Mr. Leabough - So I assume it's right along the property line.

843  
844 Mr. Staufer - That's right, that's right. It's off the property line.

845  
846 Mr. Leabough - But it's in that general area. Okay. What are the wooden  
847 fences that are there? What are those there for?

848  
849 Mr. Staufer - I'm sure they're privacy fences for the individual homes. I  
850 haven't been back there. But again, I think the best way to resolve it and to solve the  
851 issues is to get an engineer involved, get our construction department together, and go  
852 out there. That's the way we're going to solve that.

853  
854 Mr. Leabough - So why has it not been resolved with the complaints from the  
855 residents? Why did it take this case to bring this issue—

856  
857 Mr. Wilton - Well again, the whole area is under construction still. We will  
858 go ahead and meet out there. The engineer, Greg, didn't actually do that section, but he's  
859 doing the new section. What you're doing is you're coming together. You can see one  
860 piece of property is higher than the other.

861  
862 Mr. Leabough - Mr. Wilton, my question is, why is that not happening and  
863 being addressed now as a result of the residents' concerns? Why—

864  
865 Mr. Wilton - I think it is being addressed.

866  
867 Mr. Leabough - Let me finish. Why is it now starting to be addressed because  
868 you have a case before us? How long have the residents been complaining?

869  
870 Ms. Vantuyle - [Off microphone] Seven months.

871  
872 Mr. Leabough - Why is it not being addressed prior to this case? That's the  
873 concern that I have.

874  
875 Mr. Wilton - Again, a finished lot is not in my bailiwick of things that I do. I  
876 present them with the pads and the lots, and they come in and do the fine grading and—

877  
878 Mr. Leabough - So bring your friend to the podium and have him answer that  
879 question.

880  
881 Mr. Wilton - Okay, I will bring him back.

882  
883 Mr. Leabough - Can you answer that question? Why is that not being  
884 addressed? Why does it take this case to now have you all look at it and address it?

885  
886 Mr. Staufer - I have to look into it. I work for the company; it's not my  
887 responsibility to handle this. I work in a separate department. I actually work for our  
888 corporate headquarters. So I will be happy to get the names and numbers of the people,  
889 and we'll get this resolved. It's not something that we don't want to get resolved. We will  
890 get this resolved.

891  
892 Mr. Leabough - Okay.

893  
894 Mrs. O'Bannon - Mr. Emerson, can you follow up on this?

895  
896 Mr. Emerson - Yes ma'am, I can. And our Public Works Department is  
897 involved now. I think many of these complaints that you're hearing this morning really just  
898 came to our attention over the last few days. They have been primarily, I believe, delivered

899 to Ryan Homes, which of course is the vertical developer on the property. So it's a matter  
900 of we weren't aware of it. Most of these items are technical in nature; we will address  
901 them. And of course your duty today is not to look at expanding or trying to add additional  
902 regulation. You're looking at the plan of development and whether or not it meets the  
903 technical application of the code. That's where we are today. But yes ma'am, we'll follow  
904 up on this.

905  
906 Mr. Leabough - It's a concern just as a citizen, not that it's a part of this case.  
907 But it's a legitimate question that should be addressed.

908  
909 Mr. Wilton - It is. I did not know about this situation back there. And again,  
910 these are where two pieces of property are coming together, one not developed, one  
911 developed. A lot of water is coming from that property onto this property. We've taken  
912 care of the water on our property now. We actually piped it and paid enormous fees for  
913 credits and everything else. So ours is in the ground now. When we develop the other  
914 piece, we'll be handling the water the same way. Even more water because there is water  
915 coming off the shopping center and everything else. You shouldn't have to hear this. It  
916 shouldn't get to this point. Again, now that I know about it, I'll make sure that everything  
917 is handled properly. Okay? Yes ma'am.

918  
919 Mrs. Kotula - Do we have a representative from Public Works in the  
920 audience?

921  
922 Mr. Jackson - Scott Jackson. I'm with the Department of Public Works.

923  
924 Mrs. Kotula - Good morning.

925  
926 Mr. Jackson - Good morning.

927  
928 Mrs. Kotula - So I understand you all are just learning about these issues,  
929 but could you talk about what you all have?

930  
931 Mr. Jackson - Well what I'm aware of, I believe that our review engineer for  
932 this project, Zuzanna Lesniak, met with one of the complainants yesterday and is working  
933 to get this resolved. We'll be glad to meet with their engineer and developer and contractor  
934 in the field to resolve the issues.

935  
936 Mrs. Kotula - Okay. So I'm hearing a commitment from Public Works, from  
937 the developers, engineers, to all meet together and discuss this issue, perhaps with the  
938 community.

939  
940 Mr. Jackson - Yes ma'am.

941  
942 Mrs. Kotula - All right. Thank you.

943  
944 Mr. Jackson - Thank you.

945  
946 Mrs. Marshall - Are there any more questions from the Commission?  
947

948 Mr. Archer - Madam Chairman, I would like to mention, as Mr. Emerson  
949 has explained, our mission today is to deal with the POD. Sometimes these and a little  
950 bit older cases get intermingled because they're next to each other. And as such, you  
951 can't avoid them.

952  
953 There are a couple of things that I've heard today that sort of bother me. One was the  
954 diminishing buffers that the young lady spoke of. You all don't have anything to do with  
955 that, but I'm just curious about it. I wonder if there is anybody who could address how that  
956 actually happened. Again, I understand this POD is not that.

957  
958 Mr. Emerson - Mr. Ward, could you talk a little bit about that—it's a ten-foot  
959 easement—and what the proffers said in regards to landscaping, and what the  
960 requirements are, and the fact that we don't require buffering for, say, landscaping  
961 necessarily between residential uses?

962  
963 Mr. Archer - Right, I understand that.

964  
965 Mr. Emerson - I think Mr. Ward might be able to help with that, Mr. Archer.

966  
967 Mr. Ward - That's correct. This section when it got rezoned to the multi-  
968 family, the ten-foot buffer was what was proffered along this property line. The twenty feet  
969 along Wistar Road, that's because the twenty-five feet here was proffered along that  
970 Section of Sections 1 and 2. Maybe it's because these folks had not purchased the land  
971 yet, so they didn't have a say to come out. But Mr. Wilton is meeting what the code would  
972 have required.

973  
974 Mr. Emerson - Mr. Ward, you might want to explain the difference between a  
975 buffer and a landscape buffer, what that is.

976  
977 Mr. Ward - The buffer between the two townhomes, that would just be the  
978 transitional buffer, which we could get some more shrubs in there. The landscape strip,  
979 that's something that's going to be along the road. That's also going to provide a  
980 streetscape with shrubs to match Wistar. I don't know if that's a good explanation between  
981 the two.

982  
983 Mr. Emerson - Really what I'm getting at is a buffer technically is just an  
984 expanse of land. If it doesn't have landscaping added to it or it's not designated as a  
985 transitional buffer, that doesn't necessarily mean it's going to be planted. That's just the  
986 definition I was trying to get across. Thank you.

987  
988 Mr. Archer - You did that quite adequately, yes. I just wanted to make sure  
989 that the people who ask the questions had some sort of answer so they could understand  
990 how and why these things happen.

991  
992 Mr. Emerson - Absolutely. And that's why I wanted to add that, Mr. Archer.  
993  
994 Mr. Archer - Good job, Mr. Secretary.  
995  
996 Mr. Baka - One question, if I may. We saw the photo earlier of the rear of  
997 the homes on Wistar Woods Court facing the new development here. Is there a maximum  
998 slope between residential units in new and old subdivisions that would be allowed? Is  
999 there a maximum slope that we would go past?  
1000  
1001 Mr. Ward - Usually the 2 percent slope is what the County goes at, two  
1002 for one. But Scott Jackson may be able to talk about that more.  
1003  
1004 Mr. Baka - No more than a two-to-one slope?  
1005  
1006 Mr. Ward - Right.  
1007  
1008 Mr. Baka - Okay. That's fine. Thanks.  
1009  
1010 Mrs. O'Bannon - I want to express a concern briefly. Sometimes real estate  
1011 agents will tell you something that isn't necessarily . . .  
1012  
1013 Female - [Off microphone] True.  
1014  
1015 Mrs. O'Bannon - Perfect. It happens . . . I'll just say, a lot. It's fairly common that  
1016 when a property is sold the person asks what is going to be built behind my house. And  
1017 they say "Oh, nobody's ever going to touch those woods back there." And then within  
1018 months, a shopping center is there. So I always recommend to anyone if you're  
1019 purchasing a property to go see the plat, go to the Planning Department, check with Public  
1020 Works or something. Come to the County and ask questions. Unfortunately, that is  
1021 sometimes what happens, and it appears that that may have happened here. I'm just  
1022 pointing that out. Unfortunately, that can happen.  
1023  
1024 Mr. Leabough - I'll just point out one other thing, just out of fairness to the  
1025 builder for the new property that's being decided upon today. I don't think we've had any  
1026 of those concerns with that particular builder. I'm looking at Mr. Emerson. So out of  
1027 fairness to them, the other challenge here is we have two different builders. And I don't  
1028 think out of fairness to you all that we've experienced those same concerns. So when we  
1029 talk about this case, I just don't want to have you all associated with the concerns of the  
1030 other property. Out of fairness to you, you have nothing to do with it. You're the builder  
1031 on the property that's before us. I don't know if we've had those same concerns. But from  
1032 what I've experienced, you all have been very responsive to residents' concerns and  
1033 questions that have come up.  
1034  
1035 Mr. Emerson - No sir, we haven't had any concerns raised with Stanley  
1036 Martin at this point.

1037  
1038 Mr. Leabough - So different builder, different circumstance. I just wanted to  
1039 point that out.

1040  
1041 Mr. Emerson - But I'm sure Mr. Wilton will follow up and take care of this for  
1042 us.

1043  
1044 Mr. Wilton - [Off microphone] Yes, sir.

1045  
1046 Mrs. Marshall - Any more questions from the Commission? Mrs. Kotula?

1047  
1048 Mrs. Kotula - Well thank you, everybody, for coming out and expressing the  
1049 concerns that exist. Hopefully, the meetings that will be planned as a result of this will  
1050 help get things addressed. I do believe the plans that we have before us are in order for  
1051 the concerns that are before the Planning Commission. So accordingly, I move that  
1052 POD2018-00093, Wistar Glen and the Townes of Wistar Woods Section 3, be approved  
1053 subject to the annotations on the plans, the standard conditions for developments of this  
1054 type, additional conditions 9 amended and 29 through 34 in the agenda.

1055  
1056 Mr. Archer - Second.

1057  
1058 Mrs. Marshall - We have a motion by Mrs. Kotula, a second by Mr. Archer. All  
1059 in favor say aye. Those opposed say no. There is no opposition; that motion passes.

1060  
1061 The Planning Commission approved POD2018-00093, Wistar Glen and the Townes of  
1062 Wistar Woods Section 3, subject to the annotations on the plans, the standard conditions  
1063 attached to these minutes for developments of this type, and the following additional  
1064 conditions:

- 1065  
1066 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
1067 Planning for review and Planning Commission approval prior to the issuance of any  
1068 occupancy permits.  
1069 29. The right-of-way for widening of Wistar Road as shown on approved plans shall  
1070 be dedicated to the County prior to any occupancy permits being issued. The right-  
1071 of-way dedication plat and any other required information shall be submitted to the  
1072 County Real Property Agent at least sixty (60) days prior to requesting occupancy  
1073 permits.  
1074 30. A concrete sidewalk meeting County standards shall be provided along the  
1075 southern side of Wistar Road.  
1076 31. The proffers approved as a part of zoning case REZ2017-00019 shall be  
1077 incorporated in this approval.  
1078 32. The location of all existing and proposed utility and mechanical equipment  
1079 (including HVAC units, electric meters, junctions and accessory boxes,  
1080 transformers, and generators) shall be identified on the landscape plan. All building  
1081 mounted equipment shall be painted to match the building, and all equipment shall

- 1082 be screened by such measures as determined appropriate by the Director of  
 1083 Planning or the Planning Commission at the time of plan approval.
- 1084 33. The pavement shall be of an SM-2A type and shall be constructed in accordance  
 1085 with County standard and specifications. The developer shall post a defect bond  
 1086 for all pavement with the Department of Planning - the exact type, amount and  
 1087 implementation shall be determined by the Director of Planning, to protect the  
 1088 interest of the members of the Homeowners Association. The defect bond shall  
 1089 remain in effect for a period of three years from the date of the issuance of the final  
 1090 occupancy permit. Prior to the issuance of the last Certificate of Occupancy, a  
 1091 professional engineer must certify that the roads have been designed and  
 1092 constructed in accordance with County standards.
- 1093 34. The subdivision plat for Townes of Wistar Woods Section 3 shall be recorded  
 1094 before any building permits are issued.

1096 Mr. Emerson - Madam Chair, we now move on to page 15 of your regular  
 1097 agenda and page 2 of your amended agenda for POD2018-00066, Townes Site  
 1098 Engineering for Ukrop's Super Markets, Inc. and Becknell Services, LLC. The staff report  
 1099 will be presented by Mr. Lee Pambid.

1100  
 1101 **PLAN OF DEVELOPMENT**

1102 POD2018-00066 Airport Logistics Center Phase 1 – 6101 South Laburnum Avenue	<b>Townes Site Engineering for Ukrops Super Markets, Inc. and Becknell Services, LLC:</b> Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct road, water, sewer, and drainage infrastructure; grade for a future warehouse center; and construct a one-story, 246,760-square foot warehouse. The 60.58-acre site is located in the northeastern quadrant of the intersection of Laburnum Avenue and Seven Hills Boulevard; is bound by Laburnum Avenue, Seven Hills Boulevard, Miller Lane, and CSX Railroad right-of-way; and includes parcels 816-705-4345, 815-705-4222, 816-705-9498, 817-706-1931, and 817-706-0966. The zoning is M-2C, General Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. <b>(Varina)</b>
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1103  
 1104 Mrs. Marshall - Is there anyone present who is opposed to POD2018-00066,  
 1105 Airport Logistics Center Phase 1? Mr. Pambid?

1106  
 1107 Mr. Pambid - Good morning. Please find in your addendum seven revised  
 1108 layout sheets that I will discuss. Again, the plan proposes grading and infrastructure  
 1109 construction for a four-warehouse logistics development.

1110  
 1111 This case includes the development's first building, a one-story, 246,760-square foot  
 1112 warehouse. This plan also proposes dedication of right of way needed to smooth out an

1113 S curve in Miller Road. That is this segment right here. No road improvements to Miller  
1114 Road are proposed at this time. Plans of development are required for all subsequent  
1115 buildings by proffer.

1116

1117 Also in your addendum is information on the revised plan before you. Of note are:

1118

1119 • the clarification of the rights of way and center lines of all adjacent roads, which  
1120 include Laburnum Avenue, Seven Hills Boulevard, and Miller Road;

1121 • a required right-in/right-out pork-chop at the western Seven Hills Boulevard  
1122 access, and that is here closer to the intersection with Laburnum Avenue;

1123 • a sidewalk along Laburnum from the intersection here to the Cornelius Creek  
1124 crossing up to this point, and then we're also going to get sidewalk along the entire  
1125 frontage of Seven Hills Boulevard; and

1126 • dedication of right of way and a chorded corner at Miller Road, and that's here.

1127

1128 These are all new features of the plan that was received last week.

1129

1130 I'd also like to point to a cemetery for the Lowe family, which is located on the site. That's  
1131 here. I'm going to switch over to the aerial to show you that that is this clump of trees right  
1132 here. We also have an archeologist's report that has been provided by the developer, and  
1133 that will be inserted into the file. The developer has agreed to provide protection during  
1134 construction, a perpetual access easement, and a four-foot-tall wood picket perimeter  
1135 fence.

1136

1137 Also please note a revised condition #30, which clarifies the phasing of the sidewalk along  
1138 Laburnum Avenue. So again, with this Phase 1 POD, we'll be getting sidewalk from Seven  
1139 Hills Boulevard up to Cornelius Creek here. And with the next POD, sidewalk will be  
1140 finished out to the bridge that crosses over the CSX railroad.

1141

1142 I'd just like to reiterate for the record that the proffers of zoning case C-75C-89 shall apply  
1143 to this site.

1144

1145 This slide is indicative of the building. Building materials consist of earth-tone, tilt-up  
1146 concrete panels with gray-colored panels throughout the elevations. This building is  
1147 similar in appearance and massing to those currently under construction at Airport  
1148 Distribution Center at Darbytown Road and Laburnum Avenue. The developer, Becknell  
1149 Industrial, is the same for both sites.

1150

1151 Planning has also received a conceptual landscape plan that illustrated BMP plantings  
1152 similar to the BMP at Airport Distribution Center. Greenbelts are proffered along  
1153 Laburnum Avenue. This is a fifty-foot greenbelt that's proffered. Along Seven Hills  
1154 Boulevard is a 35-foot greenbelt. And along Miller Road is a 25-foot greenbelt. Each of  
1155 those will be planted to the transitional buffer requirements for each width.

1156

1157 Also provided is screening at the ends of the truck-loading areas. So you have screening  
1158 here and matching screening on the other side.

1159  
1160 In closing, staff is not aware of any opposition. The revisions satisfy the requirements of  
1161 the Department of Public Works, Traffic Engineering Division, which can now recommend  
1162 approval of the plan of development. With that, staff recommends approval subject to the  
1163 annotations on the plan, standard conditions for developments of this type, and the  
1164 additional conditions stated previously, as well as condition #30, which was revised.

1165  
1166 This concludes my presentation. I can now field any questions you have regarding this.  
1167 Engineer Zack Wilkins from Townes Site Engineering and Becknell representative Joel  
1168 Repiscak are also here to field your questions.

1169  
1170 Mrs. Marshall - Any questions from the Commission? Mr. Leabough?

1171  
1172 Mr. Leabough - Just a general comment for Mr. Emerson. We probably should  
1173 at some point take a look at the proposed truck distribution facilities in this area and just  
1174 kind of look at the impact. We're starting to see a lot of these pop up in this particular  
1175 location, and we already have challenges on Laburnum at our peak hours in the morning  
1176 and in the evening. We just need to look at it. It doesn't impact this case, but we're starting  
1177 to see—I think it's two or three of these big distribution facilities popping up on the same  
1178 road network. We really need to look at, kind of, be looking at them in totality to make  
1179 sure that we're not flooding that roadway with truck traffic. That's a lot of truck traffic up  
1180 and down that road now. For future rezonings, we may want to consider looking at that.

1181  
1182 Mr. Emerson - Absolutely.

1183  
1184 Mr. Leabough - Not that it impacts this case at all. It's already zoned, so I'm  
1185 sure it's appropriate.

1186  
1187 Mr. Emerson - Sure. Absolutely we'll be happy to take a look at that.  
1188 Mr. Leabough.

1189  
1190 Mr. Leabough - Thank you, sir. Madam Chair, you said there are no other  
1191 questions?

1192  
1193 Mrs. Marshall - No other questions.

1194  
1195 Mr. Leabough - All right. With that I move that POD2018-00066, Airport  
1196 Logistics Center Phase 1, be approved subject to conditions for developments of this  
1197 type, annotations on the plans, conditions 29 through 34 with revised condition 30, and  
1198 the revised plan as noted in the addendum.

1199  
1200 Mr. Baka - Second.

1201  
1202 Mrs. Marshall - We have a motion by Mr. Leabough, a second by Mr. Baka.  
1203 All in favor say aye. Those opposed say no. There is no opposition; that motion passes.

1204

1205 The Planning Commission approved POD2018-00066, Airport Logistics Center Phase 1,  
1206 subject to the annotations on the plans, the standard conditions attached to these minutes  
1207 for developments of this type, and the following additional conditions:  
1208

1209 29. The right-of-way for widening of Seven Hills Boulevard as shown on approved  
1210 plans shall be dedicated to the County prior to any occupancy permits being  
1211 issued. The right-of-way dedication plat and any other required information shall  
1212 be submitted to the County Real Property Agent at least sixty (60) days prior to  
1213 requesting occupancy permits.

1214 30. **REVISED:** A concrete sidewalk meeting County standards shall be provided  
1215 ~~along the eastern side of Laburnum Avenue and the northern side of Seven~~  
1216 ~~Hills Boulevard, along the northern side of Seven Hills Boulevard and along~~  
1217 ~~the eastern side of Laburnum Avenue from Seven Hills Boulevard to~~  
1218 ~~Cornelius Creek, with the remainder to be provided with the next plan of~~  
1219 ~~development.~~

1220 31. Approval of the construction plans by the Department of Public Works does not  
1221 establish the curb and gutter elevations along the Henrico County maintained right-  
1222 of-way. The elevations will be set by Henrico County.

1223 32. The proffers approved as a part of zoning case C-75C-89 shall be incorporated in  
1224 this approval.

1225 33. All subsequent detailed plans of development needed to implement this conceptual  
1226 plan shall be submitted for staff review and Planning Commission approval, and  
1227 shall be subject to all regulations in effect at the time such subsequent plans are  
1228 submitted for review/ approval.

1229 34. The location of all existing and proposed utility and mechanical equipment  
1230 (including HVAC units, electric meters, junction and accessory boxes,  
1231 transformers, and generators) shall be identified on the landscape plans. All  
1232 equipment shall be screened by such measures as determined appropriate by the  
1233 Director of Planning or the Planning Commission at the time of plan approval.  
1234

1235 Mr. Emerson - Madam Chairman, the next item on your agenda this morning  
1236 is the consideration of approval of your minutes from the March 28th meeting. I do not  
1237 believe there is an errata sheet. So if you have any corrections, certainly we will be happy  
1238 to make those.

1239  
1240 APPROVAL OF MINUTES: March 28, 2018  
1241

1242 Mrs. Marshall - Do we have any corrections to the minutes?  
1243

1244 Mr. Baka - I make a motion to approve the minutes.  
1245

1246 Mrs. Kotula - Second.  
1247

1248 Mrs. Marshall - Motion by Mr. Leabough and a second by Mrs. Kotula. That  
1249 motion passes.  
1250

1251 Mrs. Marshall - Do we have any other business to conduct this morning?  
1252  
1253 Mr. Leabough - I think we need to vote on the minutes.  
1254  
1255 Mrs. Marshall - It's one of those days. All in favor say aye. Those opposed  
1256 say no. There is no opposition; that motion passes.  
1257  
1258 The Planning Commission approve the March 28, 2018 minutes as submitted.  
1259  
1260 Mrs. Marshall - Do we have any other new business we would like to conduct  
1261 this morning?  
1262  
1263 Mr. Emerson - Madam Chair, if I could, I would remind the Commission that  
1264 as your May 10th meeting your public hearing does begin at 6 p.m. for the short-term  
1265 rentals and the brewery ordinances. If you would like, I could have some food brought in  
1266 earlier in the large conference room at the Planning Department if you'd like to eat before  
1267 the meeting. I know that makes your schedule a little tight. I'll leave that up to the group.  
1268 Just let me know what you'd like to do there.  
1269  
1270 Mrs. Marshall - Do you know what you all would like to do?  
1271  
1272 Mrs. Kotula - I'm good with six.  
1273  
1274 Mrs. Marshall - So six in here?  
1275  
1276 Mr. Emerson - Well six is when your hearing starts. So if I brought food in, it  
1277 would have to come at about five. I know your schedules are kind of tight. If you don't  
1278 have time to get something to eat and would like to have something, I would be happy to  
1279 get that set up for you.  
1280  
1281 Mr. Leabough - Food is good.  
1282  
1283 Mr. Emerson - Okay. Do you want to say 5:15? It'll be up to you when you  
1284 get in. I'll arrange to have some sandwiches for you in the large conference room around  
1285 5:15. That will give you a few minutes if you can get in before the betting starts.  
1286  
1287 Mr. Archer - I think we have a better disposition when we have a sandwich.  
1288  
1289 Mr. Emerson - That's what I'm hoping for. You always have a good  
1290 disposition, Mr. Archer.  
1291  
1292 Mr. Leabough - Can I raise one point? We had a case in Varina, a similar  
1293 situation in that the developer of the property that was adjacent to the case that was  
1294 before the Commission neglected to—so the only reason that they started to listen to the  
1295 residents regarding their concerns—Mr. Emerson, you probably remember that case—  
1296 was that they had a case that—Family Dollar. There were road issues, major potholes,

1297 things that were not being addressed by the developer even after numerous concerns  
1298 that were raised by the community. So that's where my frustration grows. I don't think this  
1299 builder was going to address them adequately until this was brought to the Commission.  
1300

1301 Mrs. Marshall - I agree.  
1302

1303 Mr. Leabough - That's a frustration that I have because it's not just this one  
1304 case that was before us today. It happens more often than not, especially as it relates to  
1305 drainage. And I don't know how we resolve that. It seems to be coming up more and more  
1306 often in terms of finished lots that don't have adequate drainage. A lot of people have  
1307 standing water. Remember that was an issue? That property in the back. Now I think part  
1308 of that was self-imposed. I'm taking about the case in Varina.  
1309

1310 Mrs. Marshall - Oh.  
1311

1312 Mr. Leabough - I think part of it was self-imposed. I think they blocked the  
1313 ditch.  
1314

1315 Mr. Emerson - Right. They did block the ditch. And I believe they did  
1316 something with the landscaping too.  
1317

1318 Mr. Leabough - Which impacted it. But there were still glaring issues as far as  
1319 the street—  
1320

1321 Mr. Emerson - Yes.  
1322

1323 Mr. Leabough - —and some of the other infrastructure improvements that they  
1324 neglected to make.  
1325

1326 Mr. Emerson - There were, absolutely.  
1327

1328 Mr. Leabough - Even after repeated requests from the residents. It's just a  
1329 huge frustration because a lot of residents don't know who to call or what to do, and it's  
1330 just unfortunate that the builders are not more responsive. And then, as Mrs. O'Bannon  
1331 indicated, the fact that these real estate agents and these builders' agents tell folks  
1332 anything to sell a home. They will show them a plan from fifty years ago showing single-  
1333 family homes, and they know that that's not what is proposed for the site. It's just  
1334 frustrating. There's nothing we could do about as a Commission, but something we should  
1335 think about as a County how to address it.  
1336

1337 Mrs. O'Bannon - I have an idea. In Tuckahoe, as you know, we're pretty much  
1338 built out. But as construction went on, these were concerns. People would call the  
1339 Supervisor of the magisterial district. One of the concerns we had often enough was  
1340 people were saying at 6 a.m. the construction would start on a Sunday, for instance. They  
1341 would go to who was there at the site, and the person would say, "I don't speak English,"

1342 you know. And they found out that they spoke Spanish. You know how you have it in the  
1343 proffers now that says signs will be posted in both English and Spanish.

1344  
1345 Mr. Emerson - Correct.

1346  
1347 Mrs. O'Bannon - That was a result of questions and concerns from people who  
1348 were next to construction. Could we not make a proffer—and I had to say “proffer”—on  
1349 residential properties. Could we not have them do a sign saying if you have concerns  
1350 about the construction, call this number? In other words, it would be part of a construction  
1351 proffer, the way we do it now. That was why that sign thing came up.

1352  
1353 Mr. Emerson - We can try to do some things. As you know, the proffer field  
1354 in regards to residential—

1355  
1356 Mrs. O'Bannon - I know.

1357  
1358 Mr. Emerson - —proffers is very murky right now, and it seems to be getting  
1359 more so.

1360  
1361 Mrs. O'Bannon - I will say the last case I had, I just dove right in and decided  
1362 to go for it and see what they said. Okay, never mind.

1363  
1364 Mr. Emerson - And I understand. I perfectly understand that philosophy. At  
1365 some time the critical mass will hit the immovable force. It's possible we could add that  
1366 into our code update. Those are types of things that we could add to our code.

1367  
1368 Mrs. O'Bannon - I think at the very least that makes sense if it's right at the site.  
1369 The people who are impacted might drive around or walk around and say hey look there's  
1370 a sign, and it has a phone number on it to call—someone in your office, probably.

1371  
1372 Mr. Emerson - Sure, absolutely.

1373  
1374 Mrs. O'Bannon - But the way you put up the sign for rezoning. But it should  
1375 perhaps be a requirement.

1376  
1377 Mr. Emerson - Right.

1378  
1379 Mrs. O'Bannon - The way that the sign's in English and Spanish. In other  
1380 words, the workers now are told no construction before 9 or 10 a.m. or whatever it is,  
1381 whatever day it is. They can read it in Spanish. Now the first thing that happened was  
1382 some of the workers were actually Portuguese. So we probably should post it in  
1383 Portuguese also. Someone from your staff went to the site and said you're not supposed  
1384 to work during this time. And they said, “We don't speak Spanish; we speak Portuguese.”  
1385 You can't cover everything anymore, but if a sign like that could be posted or would offer  
1386 to be posted, I guess, in the reasonableness of voluntarily offered proffers, to say could

1387 a sign be posted. If it's posted in languages, then if you have a complaint or there's a  
1388 concern about any of these issues, call this number.

1389  
1390 Mr. Emerson - Absolutely.

1391  
1392 Mrs. O'Bannon - Okay.

1393  
1394 Mr. Emerson - Well normally there's a—I'm not sure where Building  
1395 Inspection posts their signage, but usually you can find a phone number somewhere on  
1396 the site for Building Inspection. But in terms of the folks you heard from today, they've  
1397 been complaining directly to the builder.

1398  
1399 Mrs. O'Bannon - Well that makes sense.

1400  
1401 Mr. Emerson - Obviously.

1402  
1403 Mrs. O'Bannon - He's probably got a sign up saying houses for sale soon,  
1404 here's the guy you call. That, of course, would be the person you'd call.

1405  
1406 Mr. Emerson - Right. And they have their site superintendent they dealt with  
1407 when they closed on their unit. So that's who they're going to. But certainly we can look  
1408 at that. And it may be something, like I said, that could be added to the code. Then we  
1409 don't have to worry about it being a proffer. I think as we develop our new code, we have  
1410 to look more and more at how much of this can be codified that you'd like to have.  
1411 Because a lot of things in the proffer statements, as you know, have become sort of  
1412 boilerplate items that really probably should be in the code.

1413  
1414 Mrs. O'Bannon - The other part of this as far as planning postings go, I know  
1415 you're required to post it in the newspaper. And we have discussed the fact that  
1416 newspapers, in case you didn't get yours in this morning, nobody really subscribes to  
1417 paper newspapers. So how do you post your planning cases? In other words, I know  
1418 you're working on that. So what it amounts to is people driving by who are impacted by  
1419 any property—and I hate to let you know this, but you know Varina is pretty big, and it's  
1420 going to be developed pretty well. It's probably going to be wall-to-wall.

1421  
1422 Mr. Archer - It will be a while before—

1423  
1424 Mrs. O'Bannon - I know, but it's starting to happen. So you're going to see a lot  
1425 of these cases in Varina. But by posting that sign on that property where we say rezoning  
1426 or whatever it is with a phone number, that's almost more important than putting it in a  
1427 newspaper.

1428  
1429 Mr. Archer - Yes.

1430  
1431 Mrs. O'Bannon - Because the people who drive by and live near there and see  
1432 it are going to call the number and find out. They may not subscribe to any newspaper.

1433 To me it's almost more important to do it that way. Or again if we have apps. We've talked  
1434 about apps.

1435  
1436 Mr. Baka - Nexdoor.com.

1437  
1438 Mrs. O'Bannon - Putting signs in the ground on the site may be the better way  
1439 to communicate something like who do you call if you have a problem.

1440  
1441 Mr. Emerson - I don't disagree.

1442  
1443 Mrs. O'Bannon - And we've done it before.

1444  
1445 Mr. Leabough - It's something to think about it. Not that we have an answer  
1446 today, but just something to look into as we're doing the code update.

1447  
1448 Mr. Emerson - Right. It's been a constant frustration for years, obviously.

1449  
1450 Mr. Leabough - People proffer construction hours, and we know they don't  
1451 adhere to them.

1452  
1453 Mr. Emerson - Right.

1454  
1455 Mr. Leabough - But the residents don't know who to call to report it or they  
1456 don't know the construction hours that were proffered.

1457  
1458 Mr. Emerson - That's right.

1459  
1460 Mr. Leabough - So it's meaningless to have them proffered if nobody's  
1461 enforcing them. And you can't enforce it, the County, if we don't know—

1462  
1463 Mr. Emerson - If we don't get a complaint, we're not aware.

1464  
1465 Mr. Leabough - You're not going to sit there at the site and say hey, are they  
1466 pulling up at seven instead of nine.

1467  
1468 Mrs. Marshall - I don't know if you remember GreenGate. I'm sure you might  
1469 remember that.

1470  
1471 Mr. Leabough - Oh yes.

1472  
1473 Mrs. Marshall - I was receiving a lot of emails on construction hours starting  
1474 super early. So I got up and went on out there. And you know what, they were. It's  
1475 interesting. I had to take my badge with me to prove who I was. You know what?  
1476 Construction is not allowed at this time of the morning.

1477

1478 Mrs. O'Bannon - I don't recommend that you go out there. It has happened to  
1479 me on many occasions. I have, on occasion, at 6 a.m. on a Sunday morning gotten in my  
1480 car and driven by just to see what was going on. But from my car, I called the police, and  
1481 they do a stop work order. A police officer arrived very promptly and stopped the  
1482 construction. So the better way to do it is to call the police non-emergency number and  
1483 say there is construction on this site and it's not allowed on Sunday, please send someone  
1484 out here. Do they call your office?  
1485

1486 Mr. Emerson - The police?

1487  
1488 Mrs. O'Bannon - What do the police do in that case?  
1489

1490 Mr. Emerson - The police don't enforce proffers.  
1491

1492 Mrs. O'Bannon - But I mean he did tell the guy to stop.  
1493

1494 Mr. Emerson - They deal with the Noise Ordinance. Usually what will happen  
1495 is we'll get that complaint on Monday, and we'll follow up and get with the contractor so  
1496 they can get with their subs and remind them of the requirements. Sometimes if it's been  
1497 an ongoing problem the police will already be aware of the hours that are required and  
1498 assist us in getting that activity stopped. But if it's a first call, they're normally caught blind  
1499 on it as well. So it has to kind of progress. We don't have inspectors that work on the  
1500 weekends.  
1501

1502 Mrs. O'Bannon - Okay. But I will say the police officer was very nice about it.  
1503

1504 Mr. Emerson - Usually if you have a gun they pay more attention to you.  
1505

1506 Mrs. O'Bannon - But I would not recommend that you go in yourself.  
1507

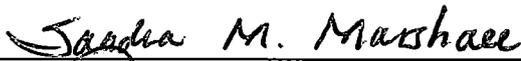
1508 Mrs. Marshall - All right. I will entertain a motion to adjourn.  
1509

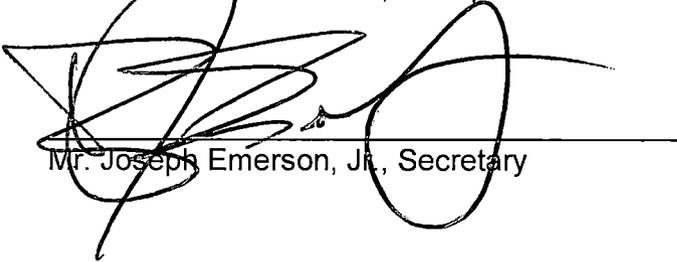
1510 Mr. Archer - So moved.  
1511

1512 Mr. Baka - Second.  
1513

1514 Mrs. Marshall - Motion by Mr. Archer, second by Mr. Baka. All in favor say  
1515 aye. The meeting is adjourned.  
1516  
1517  
1518

1519  
1520  
1521  
1522  
1523  
1524

  
\_\_\_\_\_  
Mrs. Sandra M. Marshall, Chairperson

  
\_\_\_\_\_  
Mr. Joseph Emerson, Jr., Secretary



**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 sewer. 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 water. 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 **April 25, 2018**, which shall be as much a part of this approval as if details were fully described herein. Nine (9) 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, a minimum of fourteen (14) 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 October 2015)**
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, or approval by the Director of Planning provided the property is transferred to new ownership no later than 24 months following initial construction plan approval. **(Revised August 2016)**

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 **April 25, 2018**, which shall be as much a part of this approval as if all details were fully described herein. Four (4) sets of prints of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

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

29. Roof edge ornamental features that extend over the zero lot line, and which are permitted by Section 24-95(i)(1), must be authorized in the covenants.
30. Eight-foot easements for construction, drainage, and maintenance access for abutting lots shall be provided and shown on the POD plans.
31. Building permit request for individual dwellings shall each include two (2) copies of a layout plan sheet as approved with the plan of development. The developer may utilize alternate building types providing that each may be located within the building footprint shown on the approved plan. Any deviation in building footprint or infrastructure shall require submission and approval of an administrative site plan.
32. Windows on the zero lot line side of the dwelling can only be approved with an exception granted by the Building Official and the Director of Planning during the building permit application process.
33. The mechanical equipment for each building shall be located on its respective lot. Except for wall-mounted electric meters, in no case shall the eight-foot easement for construction, drainage, and maintenance access on the abutting lot be used to locate other mechanical equipment (such as HVAC equipment, generators, and the like) for the subject lot.

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

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

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

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

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

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

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

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

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

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

**H. STANDARD CONDITIONS FOR CONVENIENCE STORES WITH FUEL PUMPS  
IN A B-3 ZONE**

29. Bulk storage of fuel shall be underground.
30. The owner or manager on duty shall be responsible for temporarily closing the car wash facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way. **(If Car Wash Is Proposed)**
31. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility. **(If Car Wash Is Proposed)**

## CONDITIONAL SUBDIVISION STANDARD CONDITIONS

### Conventional Single-Family Subdivisions Served By Public Utilities

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of sixteen (16) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**
- 5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on-site sewage disposal/septic)**
- 6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 25, 2018**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 24, 2019**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be

filed a minimum of two weeks prior to the expiration date.

10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

## CONDITIONAL SUBDIVISION STANDARD CONDITIONS

### Conventional Single-Family Subdivisions Not Served By Public Utilities

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of eleven (11) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **April 25, 2018**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **April 24, 2019**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.

10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.
11. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

## CONDITIONAL SUBDIVISION STANDARD CONDITIONS

### Residential Townhouse for Sale (RTH) Subdivisions

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of fourteen (14) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 25, 2018**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 24, 2019**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.

11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.
12. A draft of the Declaration of Covenants, Conditions and Restrictions shall be submitted to the Department of Planning for review, prior to final approval. The proposed Homeowners Association for the project shall be responsible for the exterior maintenance of all buildings and grounds.
13. All block corners shall be monumented and referenced, where possible, to the exterior boundaries of the site
14. The record plat shall contain a statement that the common area is dedicated to the common use and enjoyment of the homeowners of **(name of subdivision)** and is not dedicated for use by the general public. This statement shall refer to the applicable article in the covenants recorded with the plat.

## CONDITIONAL SUBDIVISION STANDARD CONDITIONS

### Zero Lot Line Subdivisions

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of fourteen (14) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 25, 2018**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 24, 2019**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change may be implemented.

11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers and Chesapeake Bay Act Areas.

## CONDITIONAL SUBDIVISION STANDARD CONDITIONS

### Road Dedication with No Lots

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, a minimum of sixteen (16) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Director of Planning for final approval of street names before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **April 25, 2018**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **April 24, 2019**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.