

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, December 14, 2016.
4

Members Present: Mr. C. W. Archer, C.P.C., Chair (Fairfield)
Mr. Gregory R. Baka (Tuckahoe)
Mr. Eric Leabough, C.P.C., (Varina)
Mrs. Sandra M. Marshall (Three Chopt)
Mr. Robert H. Witte, Jr., (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. Frank J. Thornton,
Board of Supervisors' Representative

Others Present: Ms. Jean Moore, Assistant Director of Planning
Ms. Leslie A. News, PLA, Senior Principal Planner
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
Mr. Michael F. Kennedy, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Matt Ward, County Planner
Mr. Gregory Garrison, AICP, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Ms. Aimee B. Crady, AICP, County Planner
Ms. Kate McMillion, County Planner
Ms. Sharon Smidler, P.E., Traffic Engineer
Mr. Gary A. DuVal, P.E., Traffic Engineer
Mr. Ross Lewis, Division of Police
Ms. Latrice Gordon, Division of Police
Ms. Melissa Ferrante, Office Assistant / Recording Secretary

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6 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains on all**
7 **cases unless otherwise noted.**
8

9 Mr. Archer - The Planning Commission will come to order. Good morning,
10 everyone. Welcome to the last official Planning Commission meeting of the year,
11 December 14, 2016, subdivisions and plans of development. I would like to ask that you
12 please turn off or mute your cell phones. With that, let us rise and pledge allegiance to the
13 flag.
14

15 Thank you. I'd like to welcome Mr. Frank Thornton, who is the Fairfield District supervisor
16 who has been serving as the liaison between the Board and us this year. Good to see you
17 sir.
18

19 Mr. Thornton - Thank you, Mr. Chairman.
20

21 Mr. Archer - With that I'll turn things over to our secretary, Mr. Emerson,
22 and we'll begin.

23
24 Mr. Emerson - Thank you, Mr. Chairman. First on your agenda this morning
25 are the requests for deferrals and withdrawals. Those will be presented by Ms. Leslie
26 News.

27
28 Mr. Archer - Good morning, Ms. News.

29
30 Ms. News - Good morning, members of the Commission. We have one
31 item that has requested a deferral on your agenda this morning. That's on page 7 of your
32 agenda and located in the Fairfield District. This is POD2015-00555, Walmart
33 Neighborhood Market at Henrico Plaza Shopping Center. A deferral has been requested
34 by the applicant to the January 25, 2017 meeting.

35
36 *(Deferred from the September 28, 2016 Meeting)*
37 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**
38

POD2015-00555 Walmart Neighborhood Market at Henrico Plaza Shopping Center – 4000 Mechanicsville Turnpike (U.S. Route 360)	Bohler Engineering for GBR Henrico Limited Liability Company/Plaza 360 Resources LP and Wal-Mart Real Estate Business Trust: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 41,952 square foot retail grocery store with drive- through pharmacy, and a one-story 754 square foot convenience market with fueling center in an existing shopping center. The 7.47 acre portion of the 27.389-acre site is located on the west line of Mechanicsville Turnpike (U.S. Route 360), approximately 550 feet south of Evans Road, on part of parcel 803-737-0018. The zoning is B-2, Business District and ASO, Airport Safety Overlay District. County water and sewer. (Fairfield)
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40 Mr. Archer - Thank you, Ms. News. Is there anyone present who is opposed
41 to the deferral of POD2015-00555, Walmart Neighborhood Market at Henrico Plaza
42 Shopping Center? In that case, I move that POD2015-00555, Walmart Neighborhood
43 Market at Henrico Plaza Shopping Center, be deferred to the January 25, 2017 meeting
44 at the request of the applicant.

45
46 Mr. Witte - Second.

47
48 Mr. Archer - Motion by Mr. Archer and seconded by Mr. Witte. All in favor
49 say aye. All opposed say no. The ayes have it; the motion passes.
50

51 At the request of the applicant, the Planning Commission deferred POD2015-00555,
52 Walmart Neighborhood Market at Henrico Plaza Shopping Center, to its January 25, 2017
53 meeting.

54
55 Ms. News - Staff is not aware of any further requests.

56
57 Mr. Emerson - Mr. Chairman, if the Commission has no further deferrals to
58 enter at this time, we now move on to the expedited agenda, which also will be presented
59 by Ms. Leslie News.

60
61 Ms. News - We have five items on our expedited agenda this morning. The
62 first is found on page 4 of your agenda and located in the Three Chopt District. This is a
63 transfer of approval for POD-030-87, 4800 Building, formerly the Owens-Minor Office
64 Building. Staff recommends approval.

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66 **TRANSFER OF APPROVAL**

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POD-030-87 POD2016-00464 4800 Building (Formerly Owens-Minor Office Building) – 4800 Cox Road	Lucas Crocker for Allegiancy: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from The Innsbrook Corporation to REVA Kay Innsbrook, LLC. The 4.94-acre site is located on the western line of Cox Road, approximately 500 feet north of Nuckols Road, on parcel 751-767-7589. The zoning is O-3C, Office District (Conditional) and C-1C, Conservation District (Conditional). County water and sewer. (Three Chopt)
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68
69 Mr. Archer - Thank you. Is there anyone present who is opposed to this
70 transfer for POD-030-87 (POD2016-00464), 4800 Building (formerly Owens-Minor Office
71 Building)? I see no opposition.

72
73 Mrs. Marshall - Mr. Chairman, I move approval of the transfer of approval for
74 POD-030-87 (POD2016-00464), 4800 Building (formerly Owens-Minor Office Building), as
75 presented, subject to the previously approved conditions on the expedited agenda.

76
77 Mr. Leabough - Second.

78
79 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Leabough. All in
80 favor say aye. All opposed say no. The ayes have it; the motion passes.

81
82 The Planning Commission approved the transfer of approval request for POD-030-87
83 (POD2016-00464), 4800 Building (formerly Owens-Minor Office Building) from The
84 Innsbrook Corporation to REVA Kay Innsbrook, LLC, subject to the standard and added
85 conditions previously approved.

87 Ms. News - The next item is on page 5 of your agenda and located in the
88 Fairfield District. This is a transfer of approval for POD-113-97, Auto Haven Brook Road,
89 which was formerly Master Clean Car Wash. Staff recommends approval.
90

91 **TRANSFER OF APPROVAL**
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POD-113-97 **Bruce R. Kurlander for JIHong, LLC:** Request for transfer
POD2014-00412 of approval as required by Chapter 24, Section 24-106 of
Auto Haven – Brook Road the Henrico County Code from Master Clean Carwash and
(Formerly Master Clean Chesapeake Holdings BRV, LLC to JIHong, LLC. The 2.25-
Car Wash) – 7220 Brook acre site is located on the southwest corner of the
Road intersection of Brook Road and Lakeside Avenue, on parcel
784-751-5971. The zoning is B-3, Business District. County
water and sewer. **(Fairfield)**

93
94 Mr. Archer - Thank you, Ms. News. Anyone present who is opposed to this
95 transfer, POD-113-97 (POD2014-00412), Auto Haven – Brook Road (formerly Master
96 Clean Car Wash)? No opposition. I move that transfer of approval POD-113-97
97 (POD2014-00412), Auto Haven – Brook Road (formerly Master Clean Car Wash) be
98 approved.
99

100 Mrs. Marshall - Second.
101

102 Mr. Archer - Motion by Mr. Archer, seconded by Mrs. Marshall. All in favor
103 say aye. All opposed say no. The ayes have it; the motion passes.
104

105 The Planning Commission approved the transfer of approval request for POD-113-97
106 (POD2014-00412), Auto Haven – Brook Road (formerly Master Clean Car Wash), from
107 Master Clean Carwash and Chesapeake Holdings BRV, LLC to JIHong, LLC, subject to
108 the standard and added conditions previously approved.
109

110 Ms. News - The next item is on page 6 of your agenda and located in the
111 Tuckahoe District. This is a transfer of approval of approval for POD-063-97, Brookdale
112 West End Richmond, formerly Brighton Gardens. Staff recommends approval.
113

114 **TRANSFER OF APPROVAL**
115

POD-063-97 **Eric Hoaglund for HCP Aur1 Virginia, LLC & LP:** Request
POD2015-00280 for transfer of approval as required by Chapter 24, Section
Brookdale West End 24-106 of the Henrico County Code from Rainbrook
Richmond (Formerly Company and Marriott International to HCP Aur1 Virginia,
Brighton Gardens) – 1800 LLC & LP. The 5.98-acre site is located on the western line
Gaskins Road of Gaskins Road at its intersection with Della Drive, on
parcel 746-748-9956. The zoning is R-6, General
Residence District. County water and sewer. **(Tuckahoe)**

116

117 Mr. Archer - Thank you. Is there anyone present who is opposed to this
118 transfer of approval POD-063-97 (POD2015-00280), Brookdale West End Richmond
119 (formerly Brighton Gardens)? No opposition, Mr. Witte.
120

121 Mr. Baka - Mr. Chairman, I move for approval—
122

123 Mr. Archer - Oh, I'm sorry.
124

125 Mr. Baka - That's okay.
126

127 Mr. Archer - Mr. Baka.
128

129 Mr. Baka - That's fine. Mr. Chairman, I move for approval for transfer of
130 POD-063-97 (POD2015-00280), Brookdale West End Richmond (formerly Brighton
131 Gardens), as presented, subject to the previously approved conditions.
132

133 Mr. Witte - Second.
134

135 Mr. Archer - Motion by Mr. Baka and seconded by Mr. Witte. All in favor say
136 aye. All opposed say no. The ayes have it; the motion passes.
137

138 The Planning Commission approved the transfer of approval request for POD-063-97
139 (POD2015-00280), Brookdale West End Richmond (formerly Brighton Gardens) from
140 Rainbrook Company and Marriott International to HCP Aur1 Virginia, LLC & LP, subject to
141 the standard and added conditions previously approved.
142

143 Ms. News - The next item is on page 14 of your agenda and located in the
144 Tuckahoe District. This is a plan of development and a lighting plan for POD2016-00499,
145 Forest Avenue, Medical Office Building at Reynolds Crossing. There is an addendum item
146 on page 1 of your addendum that includes a revised plan indicating that the drainage
147 issues have been resolved and also a revised conceptual landscape plan adding a row of
148 shrubs along Glenside Drive. This is an added item on the addendum to add 9 amended
149 to this case so that the landscaping would come back for later consideration to the
150 Commission. With that, staff recommends approval.
151

152 **PLAN OF DEVELOPMENT AND LIGHTING PLAN** 153

POD2016-00499
Forest Avenue MOB at
Reynolds Crossing –
6946 Forest Ave

**RK&K for Reynolds Holdings, LLC and Clear Springs
Development:** Request for approval of a plan of
development and lighting plan, as required by Chapter 24,
Section 24-106 of the Henrico County Code, to construct a
two-story 49,200 square foot medical office building in an
existing shopping center. The 4.98-acre site is located on
the south line of Glenside Drive in Reynolds Crossing, south
of the intersection of I-64 and Glenside Drive, on parcel 765-
745-8202. The zoning is B-2C, Business District
(Conditional). County water and sewer. **(Tuckahoe)**

154

155 Mr. Archer - All right, thank you ma'am. Is there anyone present who is
156 opposed to POD2016-00499, Forest Avenue MOB at Reynolds Crossing? I see no
157 opposition. Mr. Baka.

158
159 Mr. Baka - Mr. Chairman, I would move for approval of POD2016-00499,
160 Forest Avenue MOB at Reynolds Crossing as presented and as amended subject to the
161 annotations on the plans and to the amended conditions for development including
162 condition #9 amended addressing landscaping changes.

163
164 Mr. Leabough - Second.

165
166 Mr. Archer - Motion by Mr. Baka and seconded by Mr. Leabough. All in
167 favor say aye. All opposed say no. The ayes have it; the motion passes.

168
169 The Planning Commission approved the plan of development and lighting plan for
170 POD2016-00499, Forest Avenue MOB at Reynolds Crossing, subject to the annotations
171 on the plans, the standard conditions attached to these minutes for developments of this
172 type, and the following additional conditions:

- 173
174 9. **AMENDED ADDED** - A detailed landscaping plan shall be submitted to the
175 Department of Planning for review and Planning Commission approval prior to the
176 issuance of any occupancy permits.
- 177 11B. Prior to the approval of an electrical permit application and installation of the site
178 lighting equipment, a plan including light spread and intensity diagrams, and fixture
179 specifications and mounting heights details shall be revised as annotated on the
180 staff plan and included with the construction plans for final signature.
- 181 29. Only retail business establishments permitted in a B-2 zone may be located in this
182 center.
- 183 30. The ground area covered by all the buildings shall not exceed in the aggregate 25
184 percent of the total site area.
- 185 31. No merchandise shall be displayed or stored outside of the building(s) or on
186 sidewalk(s).
- 187 32. The proffers approved as a part of zoning case C-13C-07 and C-22C-04 shall be
188 incorporated in this approval.
- 189 33. The existing sanitary sewer easement in conflict with the building footprint shall be
190 vacated prior to approval of the certificate of occupancy for the said building.
- 191 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted
192 to the Department of Planning and approved prior to issuance of a certificate of
193 occupancy for this development.
- 194 35. The location of all existing and proposed utility and mechanical equipment
195 (including HVAC units, electric meters, junction and accessory boxes, transformers,
196 and generators) shall be identified on the landscape plans. All equipment shall be
197 screened by such measures as determined appropriate by the Director of Planning
198 or the Planning Commission at the time of plan approval.
- 199

200 Ms. News - The final item is on page 18 of your agenda and located in the
201 Three Chopt District. This is a landscape and lighting plan for POD2016-00497 and
202 POD2016-00498, Retail West at West Broad Marketplace, Phase 5, for a landscape plan
203 and revised lighting plan. Staff recommends approval
204

205 **LANDSCAPE AND LIGHTING PLAN**
206

POD2016-00497 & **VHB for Excel West Broad Marketplace, LLC:** Request
POD2016-00498 for approval of a landscape plan and a revised lighting plan,
Retail West at West Broad as required by Chapter 24, Sections 24-106 and 24-106.2
Marketplace, Phase 5 – of the Henrico County Code. The 12.7-acre site is located
12300 West Broad Street on the northern line of West Broad Street, approximately
2,000 feet west of its intersection with North Gayton Road,
on parcel 731-765-7981. The zoning is B-3C, Business
District (Conditional) and WSBO, West Broad Overlay
District. County water and sewer. **(Three Chopt)**

207
208 Mr. Archer - Thank you. Is there anyone present who is opposed to
209 POD2016-00497 and POD2016-00498, Retail West at West Broad Marketplace, Phase
210 5? No opposition, Mrs. Marshall.
211

212 Mrs. Marshall - Mr. Chairman, I move approval of the landscape plan and
213 revised lighting plan for POD2016-00497 and POD2016-00498, Retail West at West Broad
214 Marketplace, Phase 5, on the expedited agenda, subject to the annotations on the plans
215 and the standard conditions for landscape and lighting plans.
216

217 Mr. Baka - Second.
218

219 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Baka. All in favor
220 say aye. All opposed say no. The ayes have it; the motion passes.
221

222 The Planning Commission approved the landscape and lighting plan for POD2016-00497
223 and POD2016-00498, Retail West at West Broad Marketplace, Phase 5, subject to the
224 annotations on the plans, the standard conditions attached to these minutes for landscape
225 and lighting plans.
226

227 Ms. News - That completes our expedited agenda.
228

229 Mr. Archer - Thank you, Ms. News.
230

231 Ms. News - You're welcome.
232

233 Mr. Emerson - Mr. Chairman, we now move on to Subdivision Extensions of
234 Conditional Approval. Those will be presented by Ms. Kate McMillion.
235
236

237 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 238
 239 **EXTENSIONS - FOR INFORMATIONAL PURPOSES ONLY**
 240

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2012-00155 Ridings at Warner Farm (December 2012 Plan)	314	247	3	Varina	December 13, 2017

241
 242 Mr. Archer - Good morning, Ms. McMillion.

243
 244 Ms. McMillion - Good morning. There is one informational conditional
 245 subdivision extension on the agenda this morning. The map indicates in red the location
 246 of the subdivision, Ridings at Warner Farm (December 2012 Plan) which is presented for
 247 the extension of conditional approval. This case, located in the Varina District, is eligible
 248 for a one-year extension, which does not require Commission action and is for information
 249 purposes only.

250
 251 I'm available for any questions that you may have.

252
 253 Mr. Archer - Thank you, Ms. McMillion. Anyone have a question? No
 254 questions. Thank you so much.

255
 256 Ms. McMillion - Thank you.

257
 258 Mr. Emerson - Mr. Chairman, we now move into your regular agenda, page 3,
 259 for POD-002-07 and POD2016-00426, Thalhimer for Joseph Bruce, LLC. The staff report
 260 will be presented by Ms. Aimee Crady.

261
 262 **TRANSFER OF APPROVAL**

263
 POD-002-07 (pt)
 POD2016-00426
 East Parham (Formerly
 Panera Bread & Retail
 Shops) - 8800 Staples Mill
 Road

Thalhimer for Joseph Bruce, LLC: 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 Dynamic Commercial Real Estate Advisors to Joseph Bruce, LLC. The 1.58-acre site is located on the northwest corner at the intersection of East Parham Road and Staples Mill Road (U.S. Route 33), on parcel 769-755-9242. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Brookland)**

264

265 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present who is
266 opposed to POD-002-07 (pt) POD2016-00426, East Parham (formerly Panera Bread &
267 Retail Shops)? No opposition. Good morning, Ms. Crady.

268
269 Ms. Crady - Good morning. The new owner's managing agent has
270 addressed deficiencies including the excess dumpster removal in the rear, replacement of
271 missing landscaping, and pavement and concrete repair. All the work is complete as the
272 adjacent site has just started construction on that new building. Staff recommends
273 approval of the transfer request for this.

274
275 Mr. Archer - All right. Are there any questions?

276
277 Mr. Witte - Mr. Chairman, I move approval of POD-002-07 (pt) POD2016-
278 00426, East Parham (formerly Panera Bread & Retail Shops), as presented, subject to the
279 previously approved conditions.

280
281 Mr. Leabough - Second.

282
283 Mr. Archer - All right. Motion by Mr. Witte, seconded by Mr. Leabough. All
284 in favor say aye. All opposed say no. The ayes have it; the motion passes.

285
286 The Planning Commission approved the transfer of approval request for POD-002-07 (pt)
287 POD2016-00426, East Parham (formerly Panera Bread & Retail Shops) from Dynamic
288 Commercial Real Estate Advisors to Joseph Bruce, LLC, subject to the standard and
289 added conditions previously approved.

290
291 Mr. Emerson - Mr. Chairman, we now move to page 10 of your agenda for
292 POD2016-00484, Bay Companies for Mankin Properties, LLC and Godsey Properties.
293 The staff report will be presented by Ms. Aimee Crady.

294
295 **PLAN OF DEVELOPMENT**

296
POD2016-00484 **Bay Companies for Mankin Properties, LLC and Godsey
Townes at Oakley's Bluff, Properties:** Request for approval of a plan of development,
Section 2 – 4201 Oakley's Lane, as required by Chapter 24, Section 24-106 of the Henrico
Lane, County Code, to construct 36 residential townhouses for
sale. The 2.33-acre portion of the 28.67-acre site is located
on the northern side of Oakley's Lane, approximately 100
feet east of Oakley's Place, on parcels 817-721-1183, 817-
721-1858, 817-721-3839, 817-721-6515, 817-721-5981,
and 816-721-9466. The zoning is RTHC, Residential
Townhouse District (Conditional) and ASO, Airport Safety
Overlay District. County water and sewer. **(Varina)**

297

298 Mr. Archer - All right, thank you. Is there anyone present who is opposed to
299 POD2016-00484, Townes at Oakley's Bluff, Section 2? We have opposition in the back.
300 We will get to you, sir. Thank you. Ms. Crady?

301
302 Ms. Crady - Good morning. The Townes at Oakley's Bluff residential
303 townhome development is currently under construction for the first 45 units approved
304 previously with Section 1. These additional 36 lots for approval today in Section 2 are
305 located generally within the current area of disturbance and will infill the blocks reserved
306 by the previous plan for a total of 81 units.

307
308 Elevations for the units are included in your agenda and they match the architectural
309 elevations approved in 2011 for Section 1. Proffers of the 2011 zoning case further
310 regulate details such as minimum house size, number of windows on side units, roofing
311 materials, chimneys, garages, and sound suppression. Construction hours are limited to
312 Monday through Friday and specifically regulate the type of activity unless otherwise
313 arranged with the adjacent property owner of Mankin Mansion.

314
315 Staff finds the plan to be consistent with the proffered concept plan and requirements, and
316 recommends approval subject to the annotations on the plan, the standard conditions for
317 developments of this type, and conditions 29 through 39 in the agenda.

318
319 Dan Caskie of Bay Companies is here representing the applicant, and staff can answer
320 any questions you may have of staff.

321
322 Mr. Archer - Thank you, Ms. Crady. We do have opposition. Are there any
323 questions for Ms. Crady from the Commission? Okay.

324
325 Mr. Leabough - Mr. Archer, could we hear from the opposition first, please?

326
327 Mr. Archer - All right. Would you please come down, sir, and state your
328 name for the record?

329
330 Mr. Ramirez - Martin Ramirez, owner of Historic Mankin Mansion.

331
332 Mr. Archer - Good morning, Mr. Ramirez.

333
334 Mr. Ramirez - Good morning Mr. Chairman, members of the Planning
335 Commission, and Mr. Thornton. This is not so much opposition but just some concerns
336 regarding the project. Since the project was approved a couple years ago, there have been
337 a couple of things. We are mainly concerned with the working on the weekends. According
338 to proffer 27-hours of construction, they're not supposed to be doing any work whatsoever
339 on the outside. And once it becomes buildings, then they can check with Mankin Mansion
340 about working on Saturdays.

341
342 Over the last couple of years, they have been working on Saturdays, and we will go over
343 there and ask them if they could stop working at a certain time because of our business

344 being affected. Most of the time it's people that are subcontracted, so they're not working
345 directly with Mr. Godsey. However, a couple of months ago, my wife went over there prior
346 to a Saturday wedding that we had and asked the people to stop working. The gentleman
347 said—actually, Mr. Godsey is right there on the bulldozer. And he said would you like to
348 talk to him, and my wife said yes. And so the gentleman came back and said Mr. Godsey
349 said we'll stop working right away. My wife left. A couple of hours later, I had to go back
350 again because they were still working out there, and we were about to start our wedding.
351 At that point, the gentleman said we have about 15 more minutes and then we're finished.

352
353 So our main concern is that the proffers aren't being followed in terms of the hours of
354 construction. Godsey management has never reached out to us to find out when we are
355 having events at our place. Our events are usually planned out a year out, so we could
356 gladly give them a schedule of what's going on. We're not against necessarily them
357 working, but just we wanted to know what's going on so we can tell them at this time we
358 have an event and it's going to affect it if you keep on working.

359
360 A couple other things of concern would be the buffer that is on #26. Just wanting to know
361 when that's going to be started, along with the construction. The road maintenance that's
362 being affected by this project, they have two entrances that basically surround our
363 property. If you're familiar with our property, they have entrances on the left and on the
364 right side so their construction vehicles are going back and forth, creating a lot of debris.
365 They're mostly like dirt trucks, dump trucks that are going back and forth. They've actually
366 had to fill in some potholes themselves because of the damage that they're causing on the
367 road. Again, it affects the look of our business as potential clients come up and not only
368 see construction happening, but these bulldozers parked literally right across the street
369 from us.

370
371 Those are our main concerns in terms of the project. Not so much opposition, again, just
372 concerns that these proffers, in particular the working on weekends is not being followed.
373 Thank you for your time.

374
375 Mr. Archer - Thank you, Mr. Ramirez. Any questions?

376
377 Mr. Leabough - One quick question. When they were working on the weekends
378 and the other concerns that you have, have you conveyed those to the County staff?

379
380 Mr. Ramirez - We did call about a month ago or so. I believe it was Jean
381 Moore that we spoke to. Since then there has not been any work on the weekends.

382
383 Mr. Leabough - But prior to that. You mentioned two years ago or something
384 like that?

385
386 Mr. Ramirez - Oh, just over the last couple of years. Since a couple of years
387 ago when the project was approved, their work over there has been very sporadic. They
388 have not had regular hours. They'll work one day, two days, then they'll disappear for three
389 weeks. Then they'll come back and work. And if it's not affecting us on a Saturday, we

390 haven't gone over there. We don't mind as long as when we do have something going on
391 that they check in with us, as the proffers state.
392
393 Mr. Leabough - But when you contacted staff, things got better.
394
395 Mr. Ramirez - Since then, there has not been any work on Saturdays, that is
396 correct. I don't know if it's coincidence, but we appreciate the County helping us out with
397 that.
398
399 Mr. Leabough - Okay. Thank you, sir.
400
401 Mr. Archer - Thank you, Mr. Ramirez.
402
403 Mr. Baka - Just to clarify your location, sir, you're the property directly
404 south of the subject property on Oakley's Lane, A-1 zoned?
405
406 Mr. Ramirez - I'm not sure if that—
407
408 Mr. Leabough - It's hard to see on that map.
409
410 Mr. Baka - Directly south.
411
412 Mr. Archer - Right there.
413
414 Mr. Ramirez - Yes. They have an entrance on the left of us, which seems to
415 be their main entrance. And on the right of us, they also have another area of entrance.
416 And then that's where they park their bulldozers and all that, right next to the street.
417
418 Mr. Baka - Thank you.
419
420 Mr. Leabough - Thank you, sir.
421
422 Mr. Archer - All right, Mr. Leabough, how do you want to proceed? Do you
423 need to hear from the applicant?
424
425 Mr. Leabough - Yes sir.
426
427 Mr. Archer - All right. Will the applicant please come forward. And state your
428 name for the record, please.
429
430 Mr. Caskie - Good morning. I'm Dan Caskie with Bay Companies.
431
432 Mr. Archer - Good morning, Mr. Caskie.
433
434 Mr. Leabough - So you've heard a number of concerns raised by Mr. Ramirez
435 related to hours of construction.

436
437 Mr. Caskie - Yes, sir. I received an e-mail I guess a day or two ago, so I
438 talked to the developer. I talked to Doug Godsey. He's the developer and the contractor.
439 And first of all, he's telling me that all of his construction is complete with Section 1. Section
440 1 is pretty well complete. There's a little bit that has to be constructed in Section 2, just so
441 everybody knows where he is with the project.
442
443 I think it would be helpful for us to get a schedule from Mankin Mansion to make sure that
444 that's in front of Doug so he understands what their conflicts are.
445
446 Mr. Leabough - It shouldn't matter because they're not supposed to be working
447 on Saturdays anyway.
448
449 Mr. Caskie - Right, right, I understand. I thought there was a provision in
450 there that if they talked to the folks at Mankin Mansion, if they coordinated that—and
451 obviously there is some coordination that's fallen through the cracks. And he isn't on there
452 every day, and I think that may be part of the challenge of what's going on. I talked to him
453 yesterday about it, and he's aware of what's going on.
454
455 Mr. Leabough - So what's his plan to address it? Just to better coordinate with
456 Mankin Mansion?
457
458 Mr. Caskie - Yes. That's what I would suggest, yes.
459
460 Mr. Leabough - Okay.
461
462 Mr. Caskie - And I'll make sure that Martin sends us the schedule.
463
464 Mr. Leabough - Okay. Buffer. That was brought up as well. Could you speak to
465 that?
466
467 Mr. Caskie - Yes sir. With the grading recently complete, I would expect that
468 he's going to start planting that sometime soon. I think now is the time to really do it,
469 between now and spring. So I expect that that's when it's going to be planted. I think Ryan
470 Homes is getting ready to start building in there.
471
472 Mr. Leabough - So Ryan is the builder?
473
474 Mr. Caskie - Ryan's the builder, yes, sir.
475
476 Mr. Leabough - Okay. So they would need to be coordinated with as well,
477 correct?
478
479 Mr. Caskie - That's correct.
480
481 Mr. Leabough - Road maintenance was another concern Mr. Ramirez shared.

482
483 Mr. Caskie - This is the first I've heard of that. I assume, and maybe it's an
484 incorrect assumption, that Doug is tearing something up on the road that he's fixing,
485 sounds like he is. But it sounds like he needs to also be a little bit more diligent by cleaning
486 the road if there are dump trucks going on that road.
487
488 Mr. Leabough - Okay. And so since he's finishing up with the site work, it
489 sounds like the equipment should be a moot issue at this point? I think Mr. Ramirez shared
490 that they're staging equipment close to the roadway instead of kind of interior to the site?
491
492 Mr. Caskie - Right. I'm not sure if he's going to keep anything on site for
493 Section 2, because there is a little bit of stuff on the back of Section 2 that needs to—
494
495 Mr. Leabough - But he could store the equipment back there.
496
497 Mr. Caskie - He could, he could. And I'll tell him about that, to get his stuff
498 to the rear of the site.
499
500 Mr. Leabough - Okay. Anything else I missed?
501
502 Mr. Archer - Anybody catch anything he missed?
503
504 Mr. Emerson - I believe you covered it all, Mr. Leabough.
505
506 Mr. Leabough - Okay. I would in normal conditions defer this, but it sounds like
507 you all are willing to be a good neighbor, and the Mankin Mansion people seem like they're
508 reasonable to work with in terms of coordination and working through this. Can I get your
509 commitment to work through this offline with the Mankin Mansion folks?
510
511 Mr. Caskie - Yes. Yes sir.
512
513 Mr. Leabough - Okay. Monday through Friday construction, Mr. Ramirez, if
514 you're having an issue, call the County staff. They'll definitely deal with it. They're going to
515 work with you. I just want to make sure that the subs—because you know that's what often
516 happens. It's not the general contractor, because their team knows. It's the subs that show
517 up because they're behind and they're on a deadline to complete work, so they may not
518 know. So if you all could kind of police it as well, in addition to sharing your phone number,
519 like on the weekend, someone that can be reached if they're out there working so that they
520 can address it immediately.
521
522 Mr. Caskie - Okay.
523
524 Mr. Leabough - That would be great.
525
526 Mr. Caskie - Yes sir.
527

528 Mr. Leabough - Thank you, Mr. Caskie. Could you please come back down?
529
530 Mr. Archer - Mr. Ramirez, you have to come back down front, sir.
531
532 Mr. Ramirez - Is there something that can be posted or should be posted
533 regarding the hours of operation for the subs to know and be aware?
534
535 Mr. Leabough - Sure, that's a great idea. Mr. Caskie, could you come back up?
536 Mr. Ramirez is asking could you post a sign or something—
537
538 Mr. Caskie - Yes sir.
539
540 Mr. Leabough - —that conveys the hours of operation so that any sub that pulls
541 up, they would know that they're in the wrong if they go back there and start working,
542 unless it's preauthorized or preapproved.
543
544 Mr. Caskie - I will, yes sir.
545
546 Mr. Leabough - Thank you, sir.
547
548 Mr. Archer - All right, Mr. Leabough.
549
550 Mr. Leabough - Mr. Chair, if there are no other questions, I move that
551 POD2016-00484, Townes at Oakley's Bluff, Section 2, be approved subject to annotations
552 on the plans, standard conditions for developments of this type, and the additional
553 conditions 29 through 39 as noted on the agenda.
554
555 Mr. Baka - Second.
556
557 Mr. Archer - Motion by Mr. Leabough and seconded by Mr. Baka. All in
558 favor say aye. All opposed say no. The ayes have it; the motion passes.
559
560 The Planning Commission approved POD2016-00484, Townes at Oakley's Bluff, Section
561 2, subject to the annotations on the plans, the standard conditions attached to these
562 minutes for developments of this type, and the following additional conditions:
563
564 29. The unit house numbers shall be visible from the parking areas and drives.
565 30. The names of streets, drives, courts and parking areas shall be approved by the
566 Richmond Regional Planning District Commission and such names shall be
567 included on the construction plans prior to their approval. The standard street name
568 signs shall be installed prior to any occupancy permit approval.
569 31. The subdivision plat for Townes at Oakley's Bluff Section Two shall be recorded
570 before any building permits are issued.
571 32. Prior to issuance of a certificate of occupancy for any building in this development,
572 the engineer of record shall certify that the site has been graded in accordance with
573 the approved grading plans.

- 574 33. The proffers approved as a part of zoning case C-1C-11 shall be incorporated in
575 this approval.
- 576 34. A construction staging plan which includes details for traffic control, fire protection,
577 stockpile locations, construction fencing and hours of construction shall be
578 submitted for County review and prior to the approval of any final construction plans.
- 579 35. A note in bold lettering shall be provided on the erosion control plan indicating that
580 sediment basins or traps located within buildable areas or building pads shall be
581 reclaimed with engineered fill. All materials shall be deposited and compacted in
582 accordance with the applicable sections of the state building code and geotechnical
583 guidelines established by the engineer. An engineer's report certifying the suitability
584 of the fill materials and its compaction shall be submitted for review and approval
585 by the Director of Planning and Director of Public Works and the Building Official
586 prior to the issuance of any building permit(s) on the affected sites.
- 587 36. The pavement shall be of an SM-2A type and shall be constructed in accordance
588 with County standard and specifications. The developer shall post a defect bond for
589 all pavement with the Department of Planning - the exact type, amount and
590 implementation shall be determined by the Director of Planning, to protect the
591 interest of the members of the Homeowners Association. The defect bond shall
592 remain in effect for a period of three years from the date of the issuance of the final
593 occupancy permit. Prior to the issuance of the last Certificate of Occupancy, a
594 professional engineer must certify that the roads have been designed and
595 constructed in accordance with County standards.
- 596 37. The developer shall provide signage, the wording and location as deemed
597 appropriate by the Director of Public works, which addresses the possible future
598 extension of any stub street.
- 599 38. The limits and elevations of the Special Flood Hazard Area shall be conspicuously
600 noted on the plan and labeled "Limits of Special Flood Hazard Area." In addition,
601 the delineated Special Flood Hazard Area must be labeled "Variable Width
602 Drainage and Utility Easement." The easement shall be granted to the County prior
603 to the issuance of any occupancy permits.
- 604 39. Except for junction boxes, meters, and existing overhead utility lines, and for
605 technical or environmental reasons, all utility lines shall be underground.

607 Mr. Emerson - Mr. Chairman, we move on to page 12 of your agenda for
608 POD2016-00474, Engineering Design Associates for Siddiqi Almel & David Gripshover
609 and Questar Builders, LLC. The staff report will be presented by Mr. Greg Garrison.

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PLAN OF DEVELOPMENT

POD2016-00474
Settler's Ridge Section C
– Burning Tree Road

Engineering Design Associates for Siddiqi Almel & David Gripshover and Questar Builders, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 70 detached dwellings for sale with zero lot lines. The 18.82-acre site is located on the south line of Burning Tree Road, approximately 1,300 feet west of its intersection with South Laburnum Avenue, and along the north line of Pocahontas Parkway (State Route 895), on parcel 805-692-5206. The zoning is R-5AC, General Residential District. County water and sewer. **(Varina)**

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629

Mr. Archer - Thank you, Mr. Secretary. Is there anyone present who is opposed to POD2016-00474, Settler's Ridge Section C? We have opposition. We'll get to you, sir. All right. Good morning, Mr. Garrison.

630
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635

Mr. Garrison - Good morning. This is a request to construct 70 detached dwellings for sale with zero lot lines in Section C. The elevations submitted are consistent with the exhibits from zoning case C-74C-03 and with what has been previously approved in Sections A and B.

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The original layout submitted for Section C was in general conformance with the conditional subdivision that was approved May 26, 2004, including an emergency access that was through Newcastle Road onto Ansley, right here. However, since 2004, staff has consistently requested two full points of access onto Burning Tree Road in lieu of the emergency access originally proposed at Newcastle Road. The new owners have agreed and prefer a second point of access as requested by staff. The plan in your agenda reflects the second point of access onto Burning Tree Road; however, staff has received concerns from current residents residing in Sections A and B, and are here to voice their concerns regarding security.

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648

The plan does meet the technical requirements for staff to recommend approval subject to the annotations on the plans, standard conditions for zero-lot-line developments, and added conditions 9 and 11 AMENDED and 29 through 37.

649
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651

Staff and Randy Hooker are available to answer any questions you may have, and the applicants are available as well.

652
653
654

Mr. Archer - All right, thank you, Mr. Garrison. Are there questions from the Commission for Mr. Garrison?

655
656
657

Mr. Leabough - Mr. Garrison, just to confirm. Staff is recommending that the second point of access be incorporated within the site plan.

658
659

Mr. Garrison - Yes, sir.

660
661 Mr. Leabough - Okay. I'll ask that the traffic engineer come up and give us
662 some more detail regarding why that is recommended. But that is a staff recommendation.
663 Good morning, Mr. DuVal.
664
665 Mr. DuVal - Good morning, Commission. My name is Gary DuVal. With
666 Settler's Ridge, we support the second access. The code calls for any time we have above
667 50 units that we have a second point of access. This is mainly due to safety. Safety issues
668 are paramount for the County, and we encourage and strongly support a second access
669 to Settler's Ridge.
670
671 Mr. Leabough - Can you please elaborate in terms of safety why this makes
672 this site more safe by adding that second point of access?
673
674 Mr. DuVal - Yes sir. If there was something to happen at the entrance that
675 would close that entrance—a car on fire, a car disabled, or anything such as that, it would
676 deter access to the property. The emergency access that is there currently through the
677 adjacent neighborhood is a gravel lot and road that is hard to access. And a paved access
678 would provide the access that the County requires any time we go above 50 units.
679
680 Mr. Leabough - What about from a traffic flow perspective?
681
682 Mr. DuVal - The two points of access allow traffic to flow from certain areas
683 of the subdivision. It is one unique and continuous subdivision, and so therefore it's
684 reflected. As the County reviews the subdivision for its acceptance, it just provides a better
685 access. We allow access spacing of 150 feet along roads such as Burning Tree to do that
686 for safe ingress and egress, and this meets all of the criteria of the County for that.
687
688 Mr. Leabough - Okay. No further questions, Mr. Chair.
689
690 Mr. Archer - All right. Anyone else have any questions?
691
692 Mr. Leabough - Thank you, Mr. DuVal.
693
694 Mr. Archer - All right. Mr. Leabough, we have opposition.
695
696 Mr. Leabough - Yes.
697
698 Mr. Archer - Who would you like to hear from first?
699
700 Mr. Leabough - The opposition first, please.
701
702 Mr. Archer - Okay. Sir, would you come up please and state your name for
703 the record?
704
705 Mr. Leabough - Have we read the guidelines for speaking?

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Mr. Archer - No. Mr. Secretary will do that now.

Mr. Emerson - Yes sir, Mr. Chairman. As noted, you do have guidelines regarding your public hearings, and they are as follows: The applicant is allowed ten minutes to present the request and time may be reserved for responses to testimony. The opposition is allowed a cumulative ten minutes to present its concerns, meaning everyone that wishes to speak in reference to the case needs to do so within that ten minutes.

Commission questions do not count into the time limits. The Commission may waive the limits for either party at its discretion. All comments must be directly related to the case under consideration.

Mr. Archer - Thank you, sir. All right, sir, your name for the record, if you would please.

Mr. Kain - The name's Randy Kain. I'm president of the board of directors at Settler's Ridge, Sections A and B.

Mr. Archer - Go right ahead.

Mr. Kain - The access road that is being proposed, we're not going to fight against that right now. The access road we think is adequate with what we have. We have a boulevard entrance, which is two roads. So if one road got blocked, they could certainly use the other road to get in. And then you have the emergency exit also. So with the County, whichever way they want to go, that's fine with us.

My biggest dilemma right now is the POD, if it gets approved today, we've been negotiating with the developers on some other matters to annex Section C back into Settler's Ridge. As you may not know or do know, Section C declared bankruptcy and fell out of the original declaration. So they were not part of Settler's Ridge, Inc. Now, we want them to come back in, to be very honest with you. But we have some negotiations that we're trying to perform to expand our community building to allow us to have the meetings that we've been having for the last ten years with all our residents, including Section C. We have a community building right now where we have 97 residents that participate. And we do have active participation, by the way. We had our Christmas party last night.

Anyway, so now if we bring 70 more residents in, it will overflow the building and we cannot maintain our schedules of having dinners and meetings with all of the community. And this is important to us. We are an over-55, active community group and want to keep maintaining our lifestyle.

We have been negotiating with the developers in order to annex Section C. The document in the form of a supplemental declaration in addition to annexing the property to our declaration will also reflect the terms of the agreement between the developers and Settler's Ridge Homeowners Association, Inc., which would be recorded in the land

752 records for Henrico County. We are working to reach an agreement for presentation as an
753 additional condition for Planning Commission approval.
754

755 This has not happened. Our first meeting was with Mike Siddiqi on Sunday, 12/4, where a
756 nine-point document was presented. Eight of the nine points were agreed to by Mr. Siddiqi.
757 The meeting was adjourned and there was a call for a second meeting. The second
758 meeting was requested by the developers on this past Monday. I believe 12/12 is the date,
759 yes. Mr. Siddiqi and Mr. Gripshover did not appear. They had sent Questar to represent
760 them. And we did ask the question do you have authorization to represent them, and we
761 were told yes.
762

763 After a lengthy discussion, Questar left saying a proposal would be made by Tuesday,
764 12/13, which came to us at 15:48 that day. We had asked for a monetary amount per home
765 in order to expand the community building. Questar estimated that that expansion would
766 cost \$400,000. Which if you take the 70 homes would be about \$6,000 per home to come
767 back to the association. And we had proposed that we put it in a separate account for the
768 expansion. We did get this proposal back and it logistically did not meet our needs. So we
769 have decided that we want to continue to negotiate before the POD is approved.
770

771 We were told three points in an e-mail. Number one, they said we do have the means to
772 go this alone. Number two, we are prepared, if necessary, to engage our attorney, as we
773 feel we have the legal high ground. And then the third one is they said they were open to
774 design modifications that best suit the association needs. If open to do that, that's what we
775 need to do. We want to design the modification that will meet our needs in being able to
776 have our community meet in one building.
777

778 So we're asking that the POD be deferred for 30 days to give both parties the opportunity
779 to reach an agreement.
780

781 Mr. Leabough - Mr. Secretary, so a quick point of clarification. The POD and
782 their discussions in the matter regarding the HOA and whether they would include this
783 section have no bearing on this case, correct?
784

785 Mr. Emerson - No they don't. They're separate.
786

787 Mr. Leabough - That's a separate matter. And even if we wanted to, we could
788 not delay the decision around this case specifically related to that matter.
789

790 Mr. Emerson - It certainly would be ill advised. That's a civil matter between
791 the two parties and not something the Commission enters into.
792

793 Mr. Leabough - What's before us is the plan of development for Section C.
794 You're speaking to a matter that's a civil matter between you and the developer.
795

796 Mr. Kain - I understand what you're saying. But we want to have Section
797 C part of Settler's Ridge Inc. We need to perform an annexation to do that. All of our people

798 have agreed that we want to bring them back into the fold. But without an annexation...
799 we need them to be members of the community. And members pay their dues so they can
800 use the building and use the swimming pool and use whatever. That's all.

801
802 Mr. Leabough - Unfortunately, that's still—we're here today to take an
803 administrative action related to the plan of development, whether it meets development
804 code and the other ordinances that apply. It's not related to the matter between your HOA
805 and the developer regarding this section being added to your HOA. So our decision is
806 does the plan of development that they submitted meet the Zoning Ordinance and the
807 other ordinances and codes that apply to this particular case. What you're describing is a
808 civil matter between you and the developer—the HOA, not you personally, and the
809 developer, unfortunately.

810
811 Mr. Kain - Unfortunately.

812
813 Mr. Leabough - Yes.

814
815 Mr. Kain - We've stated our case. That's all I can say. Thank you for your
816 time.

817
818 Mr. Archer - Thank you, Mr. Kain. Anyone else have a question or comment
819 for him before he takes a seat? Thank you, sir. Is there anyone else who is opposed that
820 wishes to speak? We have about five minutes left. Didn't see any. Mr. Leabough, do you
821 need to hear from the applicant?

822
823 Mr. Leabough - Please. I am curious, though, even though it has no bearing on
824 this case, what the developer's plans are is it relates to incorporating this section within
825 the HOA.

826
827 Mr. Archer - Okay. Would the applicant or applicant's representative come
828 forward please?

829
830 Mr. Fedor - I'm Bob Fedor with Questar. When the association was first
831 built, the clubhouse was built in mind with Section A, B, and C, which was all inclusive,
832 which means that the clubhouse was big enough for all three sections to be built. The
833 original developer faced bankruptcy and that portion was not built, Section C. What we
834 feel is that we're being extorted to go ahead and join the association by adding onto a
835 clubhouse that has already been designed and approved for the maximum number of units
836 that are in the association. We are willing to work with the association and give them some
837 additional space on the clubhouse. We scheduled our architect to come out this Friday to
838 go ahead and design something for them.

839
840 Mr. Leabough - So you've answered my question. So you are interested in
841 joining.

842

843 Mr. Fedor - Yes, we are. It would be really stupid for us not to want to join
844 it. But on the other hand, we cannot be blackmailed by 11 points for more money than
845 what we paid for the property. I think that would be unfair. We have to negotiate that out.
846 But as far as I'm concerned right now, we should be allowed to proceed.
847

848 Mr. Leabough - Okay. Yes, I think it would benefit you to be a part of the HOA,
849 just my personal opinion, as you try to market those homes.
850

851 Mr. Fedor - It's our opinion too.
852

853 Mr. Leabough - So hopefully you all can come to an agreement.
854

855 Mr. Fedor - Some kind of an agreement outside of—you got it.
856

857 Mr. Leabough - Even though it has no reflection on this case.
858

859 Mr. Fedor - Yes sir.
860

861 Mr. Leabough - So it sounds like you're willing to at least sit down at the table.
862

863 Mr. Fedor - We've been doing that.
864

865 Mr. Leabough - Okay. Thank you.
866

867 Mr. Fedor - Thank you.
868

869 Mr. Leabough - I have no further questions, Mr. Chairman.
870

871 Mr. Archer - All right, anyone else? All right.
872

873 Mr. Leabough - You have more opposition.
874

875 Mr. Archer - I'm sorry. Please come up, sir, and state your name for the
876 record.
877

878 Mr. Pickering - Good morning, ladies and gentlemen. My name is George
879 Pickering, and I'm one of the first owners in Settler's. One of the things that we have set
880 up is technically we're one step from being a gated community. We've got the guardhouse
881 and everything at the entrance. Putting a second entrance means we've got to put another
882 guardhouse over there. And that means we're going to have to employ two people if we
883 could actually go that final step. So therefore, that's putting a lot of expense on people who
884 don't have the money. We're everything from 55 up to 90. And therefore we have a lot of
885 people who are on reverse mortgages now in order to be able to live there. It's better than
886 living in a nursing home. We take care of each other.
887

888 When you have a second entrance, we have no control over people coming in and stealing
889 things, which we have signs right at our gate solicitors are not allowed because of elderly
890 people who could get sucked in very easily. So therefore, that's another reason for having
891 the entrances that we have. And the emergency entrance is technically locked, and the
892 fire department has the key to the lock.

893
894 This brings up a big thing, the fact that we are one step from being a gated community. It
895 would not take us much to put the gate in and hire a guard. For myself, because of when
896 I first moved in, I live right near the clubhouse. I'm the one that did the security for the first
897 eight years. I'd watch who comes in and out of that gate. Because of and as a result of
898 this, we have had very, very little crime. They saw me moving around at night. And the
899 kids that were living next door in the other development kept coming over and creating
900 some problems. I had the police take their pictures. That's the last we saw of them.

901
902 So the second entrance is going to make it a lot harder to control. Basically, you want to
903 say we're a nursing home, but we take care of ourselves. But in order for us to take care
904 of ourselves, we have to have control of the situation of people in and out. The original
905 plan, there was a cul-de-sac at the end of that road, not an entrance. And all of us that are
906 already living in there accepted that. And when we took the vote just the other day in our
907 meeting, all the homeowners, they accepted the original plan. It's a situation of control
908 versus non-control. That's the big problem right here. And like I say, because we have the
909 senior citizen community, we have to control it better than letting things ride.

910
911 So take that into consideration, gentlemen. Thank you.

912
913 Mr. Archer - Thank you, Mr. Pickering. Are there questions?

914
915 Mr. Witte - Yes. Sir? Have you considered the remote control gates rather
916 than paying a guard? It's very popular these days.

917
918 Mr. Pickering - That's very possible. We have not really sat down for a good
919 little while to talk about this. But when I painted the roads, I painted it so that we could
920 have a guard or, like you say, a gate.

921
922 Mr. Witte - It appears that the remotely controlled gates are far less
923 expensive than—

924
925 Mr. Pickering - Than the old way. I agree, I agree.

926
927 Mr. Witte - That's also a possibility at both entrances, which solves your
928 problem. Only people with the code or the card or whatever can get in and out.

929
930 Mr. Leabough - But can you do that on a public road?

931
932 Mr. Pickering - I agree in one sense of the word, but who's watching it? Who's
933 watching that other gate?

934
935 Mr. Fedor - [Off microphone.] You can put a little monitor there.
936
937 Mr. Pickering - A monitor for who?
938
939 Mr. Fedor - [Off microphone.] For you guys. For the association.
940
941 Mr. Pickering - I'm the only one that did any of the monitoring—
942
943 Mr. Witte - Excuse me. We don't need—
944
945 Mr. Pickering - We've got cameras and everything at the gate now.
946
947 Mr. Witte - Good.
948
949 Mr. Pickering - And quite often, I had to go up there with the police and check
950 who came in at a particular time. So that means altogether other cameras from that
951 standpoint. But the thing is, is finding somebody that will take care of this. I was the only
952 one that would take care of the so-called security during those first years. Somebody
953 comes in at 11:00 at night, don't think I'm not up in the windows watching. Where'd they
954 go? When the rescue squads come in, I see where they went. And if I feel that it's
955 somebody we know is in bad shape, I've actually gotten up and gone over to watch to see
956 who it was and pass the word on to the rest of the group. I can't do that if we have a second
957 entrance.
958
959 Mr. Witte - Well, I understand that and I applaud you for taking care of the
960 community. But as a retired emergency services person with Henrico County, we have
961 found that additional entrances can be critical in time and life-saving abilities, as well as
962 property damage and other things. If there was an issue and it happened at Red Hill Club
963 Lane and Settler's Ridge Boulevard, it could block everybody from getting in or out. And if
964 you had emergencies with that amount of people, in my opinion it's critical to have a
965 second entrance just for public safety. I'm not saying that's good or bad; that's just my
966 opinion. And I understand where you're coming from also. And if you want to move, I've
967 got a spot in my neighborhood we could use you.
968
969 Mr. Pickering - I rest my case. Like I say, most elderly people don't want to do
970 anything. They are looking for the Lord. And so therefore, they don't want take care of all
971 of these other responsibilities. When I moved in, I took care of all of the responsibilities,
972 per se, because our board really was made up of the contractor who really didn't care. He
973 was taking care of building. Fine. But I took care of the irrigation, I took care of everything
974 for a while. I am basically the engineer. I am a professional engineer by trade. I know
975 where all the pipes are at. I know right where the taps are at for the new section. And the
976 irrigation, if something were to happen to it, I know where all the wires and all the pipes
977 are at. But that's beside the point.
978

979 Mr. Archer - Sir, we need to bring this to a conclusion. We've gone over our
980 time by quite a bit.

981

982 Mr. Pickering - Okay. Sorry, gentlemen.

983

984 Mr. Archer - That's all right.

985

986 Mr. Pickering - Any other questions?

987

988 Mr. Leabough - Thank you, sir.

989

990 Mr. Pickering - Okay.

991

992 Mr. Archer - All right, Mr. Leabough. Anyone else you need to hear from?

993

994 Mr. Leabough - I don't think so.

995

996 Mr. Archer - All right, go right ahead, sir.

997

998 Mr. Leabough - Let me just say this. Safety is the utmost concern, I think, for
999 every decision that we make as a Commission. Crime safety is one aspect of it, but I think
1000 Mr. Witte alluded to the fact that there are other incidents that can occur that far exceed
1001 crime. There may be access needed for emergency vehicles, fire equipment, things of that
1002 nature. Because of the fact that you have a lot of elderly people in this community, I think
1003 time is of the essence. And having to navigate through a gravel road and a gate that has
1004 to be unlocked and the lock has to be cut or whatever that's required to access the
1005 community, we have to consider that safety aspect. And I'm not an engineer. I'm not a
1006 professional engineer by trade; I'm a planner. But we do have professional engineers that
1007 have indicated that a second point of access is critical.

1008

1009 So I hear your concerns about crime and safety. I live not too far from here, so I'm a
1010 neighbor. I drive by this subdivision a lot. You all have done a great job in terms of
1011 maintaining it. And hopefully the developer and you all can come to some agreement
1012 around adding that section to the HOA. I think having an extra 70 homes helping to pay
1013 dues is always helpful, as long as they're in alignment with what you all are doing as far
1014 as maintenance.

1015

1016 With that, I move that POD2016-00474, Settler's Ridge Section C, be approved subject to
1017 annotations on the plans, standard conditions for developments of this type, and the
1018 additional conditions 9 amended—which means that the landscaping plan comes back, so
1019 you'll have an opportunity to see what they're planning to do around landscaping—11
1020 amended, and conditions 29 through 37 as noted on the agenda.

1021

1022 Mr. Witte - Second.

1023

1024 Mr. Archer - Motion by Mr. Leabough seconded by Mr. Witte. All in favor
1025 say aye. All opposed say no. The ayes have it; the motion passes.
1026

1027 The Planning Commission approved POD2016-00474, Settler's Ridge Section C, subject
1028 to the annotations on the plans, the standard conditions attached to these minutes for
1029 developments of this type, and the following additional conditions:
1030

- 1031 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
1032 Planning for review and Planning Commission approval prior to the issuance of any
1033 occupancy permits.
- 1034 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
1035 of the site lighting equipment, a plan including depictions of light spread and intensity
1036 diagrams, and fixture specifications and mounting height details shall be submitted
1037 for Department of Planning review and Planning Commission approval.
- 1038 29. Roof edge ornamental features that extend over the zero lot line, and which are
1039 permitted by Section 24-95(i)(1), must be authorized in the covenants.
- 1040 30. Eight-foot easements for construction, drainage, and maintenance access for
1041 abutting lots shall be provided and shown on the POD plans.
- 1042 31. Building permit request for individual dwellings shall each include two (2) copies of
1043 a layout plan sheet as approved with the plan of development. The developer may
1044 utilize alternate building types providing that each may be located within the building
1045 footprint shown on the approved plan. Any deviation in building footprint or
1046 infrastructure shall require submission and approval of an administrative site plan.
- 1047 32. Windows on the zero lot line side of the dwelling can only be approved with an
1048 exception granted by the Building Official and the Director of Planning during the
1049 building permit application process.
- 1050 33. The mechanical equipment for each building shall be located on its respective lot.
1051 Except for wall-mounted electric meters, in no case shall the eight-foot easement
1052 for construction, drainage, and maintenance access on the abutting lot be used to
1053 locate other mechanical equipment (such as HVAC equipment, generators, and the
1054 like) for the subject lot.
- 1055 34. The subdivision plat for Settler's Ridge Section C shall be recorded before any
1056 building permits are issued.
- 1057 35. The proffers approved as a part of zoning case C-74C-03 shall be incorporated in
1058 this approval.
- 1059 36. A note in bold lettering shall be provided on the erosion control plan indicating that
1060 sediment basins or traps located within buildable areas or building pads shall be
1061 reclaimed with engineered fill. All materials shall be deposited and compacted in
1062 accordance with the applicable sections of the state building code and geotechnical
1063 guidelines established by the engineer. An engineer's report certifying the suitability
1064 of the fill materials and its compaction shall be submitted for review and approval
1065 by the Director of Planning and Director of Public Works and the Building Official
1066 prior to the issuance of any building permit(s) on the affected sites.
- 1067 37. Approval of the construction plans by the Department of Public Works does not
1068 establish the curb and gutter elevations along the Henrico County maintained right-
1069 of-way. The elevations will be set by Henrico County.

1105 fixtures, as well as building mounted LED concealed source fixtures mounted at 12 foot
1106 height.

1107
1108 Redevelopment of this site for a restaurant use and 24-hour operation is permitted by right
1109 in the B-3 zoning district, as indicated by the director. The subject property was rezoned
1110 B-3 Business District on December 23, 1959. So it has been zoned that way since 1960
1111 on. There are no proffered conditions that would further regulate the use of the property.
1112

1113 The developer has provided several upgrades to the architectural elevations. The brick
1114 color is a traditional dark red "Richmond" brick. I do have a sample over here that shows
1115 it. A brick knee wall has been added to the storefront, and windows as well as a brick
1116 enclosure for the refrigerator. The standard yellow cornice has been replaced with a brick
1117 parapet wall screening the rooftop HVAC, with internally illuminated channel cut letters for
1118 the attached signs, and a green standing seam metal canopy has been added over the
1119 storefront windows.

1120
1121 A community informational meeting was held on Monday, December 5, 2016 at
1122 Pocahontas Middle School. Thirteen residents attended at that time. They indicated
1123 concerns regarding: hours of operation, traffic, security, lighting, signage, and
1124 landscaping. The developer indicated that this site, like all company-owned Waffle House
1125 Restaurants, would be open to the public 24 hours a day. The developer has indicated
1126 that all site improvements including signage and landscaping would comply with County
1127 design standards. The POD has been reviewed by the applicable County development
1128 review agencies for conformance to County Code requirements. All agencies have
1129 indicated that all County code requirements have been satisfied and they recommend
1130 approval of the POD.

1131
1132 The staff recommends approval subject to the annotations on the plans, the standard
1133 conditions for developments of this type, and the following additional conditions: 11B,
1134 which requires the landscape plan to be reviewed again by staff at final submission to
1135 make sure it complies with the plan; conditions 29 through 33. On the last condition, the
1136 developer has expressed opposition to it. He's willing to accept through 32, but has
1137 expressed opposition to condition 33.

1138
1139 **LARGE PARAGRAPH DESCRIBING CONDITIONS**

1140
1141 We had the community meetings and 13 residents attended. We received comments from
1142 the 13 property owners. In total, we received correspondence from 30 property owners.
1143 And as recently as this morning, we received a resolution from the Barrington Property
1144 Owners Association in opposition to this request.

1145
1146 Mr. Walter Barineau, the developer for Waffle House, and his engineer, Steve King, are
1147 here to answer questions. At this point, staff concludes that it meets the requirements of
1148 the Zoning Ordinance and we must recommend approval. The traffic engineer is here.
1149 There were some questions raised about access and trip generation. They're ready to
1150 answer questions as well. If you have any questions, I'll be happy to answer them.

1151
1152 Mr. Archer - Thank you, Mr. Kennedy. Are there questions from the
1153 Commission?
1154
1155 Mrs. Marshall - Can we hear from the traffic engineer, please?
1156
1157 Mr. Archer - Would the traffic engineer please come up?
1158
1159 Mr. DuVal - Good morning, Gary DuVal again. For the Waffle House that
1160 has been submitted for 2800 Old Pump Road, our review has concluded that the proposal
1161 meets all of our requirements for traffic requirements for the proposal. Using the ITE
1162 guidelines for traffic generation, we don't see this as a fast foot restaurant without a drive-
1163 thru window, but we see it as a high-turnover, sit-down restaurant, and it complies with all
1164 the regulations that we have in the County. Any questions?
1165
1166 Mrs. Marshall - Yes. If that were to be a convenience store, would the traffic
1167 numbers be higher than it would be for the Waffle House?
1168
1169 Mr. DuVal - To give you an example, the daily trip generation as the
1170 engineer has provided is roughly 244 trips per day. The generation of an eight-pump small
1171 convenience store would be roughly 1300 vehicle trips per day. So it would be roughly five
1172 times the amount of traffic generated for the prior use versus the use that is proposed
1173 today. And that's per the ITE guidelines.
1174
1175 Mrs. Marshall - Okay, thank you.
1176
1177 Mr. DuVal - Okay, thank you.
1178
1179 Mr. Archer - Anyone else have a question? Thank you, sir.
1180
1181 Mr. DuVal - Thank you very much.
1182
1183 Mr. Witte - Actually, I do have a question.
1184
1185 Mr. Archer - Sir? Mr. DuVal?
1186
1187 Mr. Witte - Not with Mr. DuVal. We're working on these sign ordinances.
1188 Would this meet the Sign Ordinance?
1189
1190 Mr. Emerson - Yes sir, it would.
1191
1192 Mr. Witte - Okay.
1193
1194 Mr. Emerson - Actually, we've requested condition 33 limiting the height of the
1195 sign, but by right, the height at this location I believe is 40 feet, is it not, Mike? So there's
1196 a by-right allowance of 40 feet here, which is why we've added condition #33.

1197
1198 Mr. Witte - All right. Thank you.
1199
1200 Mr. Kennedy - I should note a freestanding sign could be 150 square feet.
1201
1202 Mr. Emerson - So they're well within their limits on the signage. Again, just to
1203 reiterate what Mr. Kennedy said, there was a community meeting that the Board member
1204 requested we have. We notified as many people as possible. Certainly the news spread
1205 quickly. This is a use by right. I think it's safe to say we haven't had, save one, one property
1206 owner in support for this. But the opposition is to the use and the hours of operation, both
1207 of which are vested within the site, along with many, many other uses that are included.
1208
1209 Now just to clarify, I understand that—and I've seen some e-mails where some folks have
1210 gone in and looked at the code. What's been quoted back is the preamble prior to what
1211 the code specifically says, which is essentially just clarifying the purposes, but that's not
1212 necessarily what is actually enforceable within the adopted limits of what the Board of
1213 Supervisors has in its code nor what the Code of Virginia allows on this site.
1214
1215 Those have been the major issues, I believe, as I recall, Mr. Kennedy. The traffic engineer
1216 has stated the intersection will handle the traffic. The site as designed, it meets all parking
1217 requirements. It meets our lighting plan requirements. We anticipate it will meet our
1218 landscaping requirements.
1219
1220 Mr. Kennedy - Yes, in fact they're saving the existing trees on the site.
1221
1222 Mr. Emerson - Signage is in keeping. The applicant has come forward with a
1223 higher level elevation of a building than quite honestly we could require. But we requested
1224 it, and they were cooperative and came in with what is not their typical Waffle House
1225 design. We have requested that they use black lettering on the building versus the yellow.
1226 I think we're still having some discussions about that. But we've done our best to try to
1227 make it fit within the neighborhood.
1228
1229 You could have a convenience store. You could have a number of other uses that would
1230 work on this site that would be able to operate 24 hours. So, what's within our control we've
1231 tried to work with. However, the major opposition are areas that this Commission does not
1232 have authority to go into because, again, this is not a zoning case, it's not a legislative
1233 action; it is a ministerial action.
1234
1235 Mr. Witte - Thank you.
1236
1237 Mr. Archer - Thank you, sir. Are there any questions of Mr. Kennedy?
1238
1239 Mr. Baka - Yes sir, Mr. Chairman. One question for Mr. Kennedy just to
1240 follow up on the underground storage tanks. You had mentioned that the demolition permit
1241 would address the removal. When the underground storage tanks are found—and there

1242 are some there because it was a gas station—is it required that they be removed as part
1243 of this POD?

1244
1245 Mr. Kennedy - They're required to be removed or remediated in accordance
1246 with state requirements. So if they fill it, that's another alternative.

1247
1248 Mr. Baka - Okay. Thank you.

1249
1250 Mr. Kennedy - This is a picture of a Waffle House with a similar design. It's in
1251 South Carolina. You can see what the building would look like.

1252
1253 Mr. Archer - Okay. Anyone else? Thank you, Mr. Kennedy. Mrs. Marshall,
1254 how would you like to proceed?

1255
1256 Mrs. Marshall - Opposition, please.

1257
1258 Mr. Archer - Okay. Would the opposition please come forward?

1259
1260 Mr. Archer - Before the opposition comes forward, did you hear when Mr.
1261 Secretary read the rules for opposition? So we don't need to read them again. Thank you
1262 so much.

1263
1264 Mr. Leer - Good morning. Thank you for hearing us. My name is Ben
1265 Leer. I'm a resident along Sunrise Road about a thousand feet from this proposed
1266 development. I respect everything that you said, Mr. Emerson, with regard to what we can
1267 and can't talk about here today.

1268
1269 Our concerns lie with the traffic pattern, as well as with the notice of the public hearing.
1270 The traffic pattern I understand—and thank you for the testimony from the traffic
1271 engineer—has two essentially right-in/right-out access points along John Rolfe Parkway
1272 and Church Road. For those folks or patrons of the proposed establishment that may be
1273 coming from the neighborhoods of Waterford and the like, likely they will come through the
1274 neighborhood streets, as well as anyone that quickly recognizes that they'd like to get back
1275 to Broad Street. They're likely not going to use those right-in/right-outs and have to make
1276 U-turns. They're going to go through the neighborhood—Old Pump Road, Thaddeus,
1277 Laurel Woods to Sunrise, and then make a left on Pump Road to get themselves back
1278 north.

1279
1280 There were traffic counts done on Sunrise in 2011, as well as traffic counts done in 2015.
1281 I'm not aware of a new study. Just in that short duration, the traffic has increased 20
1282 percent on the road.

1283
1284 I recognize it's by prior right and we can't do anything about a 24-hour establishment, but
1285 I think it's clear that the time for the traffic increase is undesirable for neighborhood streets.
1286 So from a safety perspective, we're dealing with a route in the morning hours that has as
1287 many as seven bus stops and has a daycare facility. Almost all the residents along that

1288 route out to Pump Road have children. And so we're concerned mainly for increased traffic
1289 in that area. That's one of our concerns.

1290
1291 Our second concern is that noticing of a public hearing. I understand that the developer
1292 did due diligence and notified the immediate neighboring residents, and I think the
1293 secretary had recommended that they notify some additional property owners, such as
1294 Lake Lorraine and Barrington and some of the residents in Waterford. We're a little
1295 concerned that none of the residents along the actual transportation route that would be
1296 affected were notified at all, such as ourselves or any of our neighbors. I don't know if
1297 there's anything that can be done there in terms of a re-notice. I'm quite shocked that only
1298 13 people showed up at the public hearing.

1299
1300 That's all. I appreciate you hearing us.

1301
1302 Mrs. Marshall - Thank you.

1303
1304 Mr. Archer - Thank you, sir. Are there questions before he takes a seat? No
1305 questions? Thank you, sir. Anyone else who wishes to come up? We have about seven
1306 minutes left. Is that it? Thank you so much. Mrs. Marshall, do you need to hear from the
1307 applicant?

1308
1309 Mrs. Marshall - Yes. Is there anyone here that is for the Waffle House?

1310
1311 Mr. Parker - Ladies and gentlemen, Planning Commission, my name is
1312 Philip Parker. I'm a resident of Three Chopt. I live on the other side of Lauderdale, which
1313 is not near this area. But I am a member of the community, the Hospital Community
1314 Association, Parks and Rec, and Vo-Tech. I have some of my friends here. Our children
1315 are friends; we're friends. I understand their concerns.

1316
1317 My immediate reaction with a Waffle House coming in to an abandoned gas
1318 station/convenience store was probably the same reaction they had. But the more I
1319 thought about it, the more I delved into the legalities of this property, this is probably one
1320 of the softest uses that could come in on this property. A local restaurant might be the best
1321 choice, but beyond that, I think this is probably the best thing that could happen. I
1322 understand it's in their business model to look for properties that are zoned without
1323 conditions and that's probably a good move. That being the case, I do support this.

1324
1325 I appreciate staff's effort in getting as much as they're gotten on our behalf. The developer
1326 did not have to do any of that. I appreciate them trying to come in and be a good neighbor.
1327 It's not going to be easy. We're kind of cliquish. But I think this will work pretty well here
1328 and it'll be a softer use than what's already there. Thank you.

1329
1330 Mr. Archer - Thank you, Mr. Parker. Any questions from the Commission?
1331 All right.

1332
1333 Mrs. Marshall - Mr. Barineau, can you please come up?

1334
1335 Mr. Emerson - You have a lady back here, Mr. Chairman.
1336
1337 Mr. Archer - Oh, I'm sorry. Hold on just a moment, sir. Are you in opposition,
1338 ma'am?
1339
1340 Female - [Off microphone.] No, I'm [inaudible.]
1341
1342 Mr. Archer - Good morning.
1343
1344 Ms. Turner - Hi, I'm Stacy Turner, and I live at 10945 Parkshire Lane over
1345 in Shire Place, the nearby new townhouse subdivision. This may not have been my dream
1346 development for this location. I definitely understand it's a by-right use that's been that
1347 way. The property owners have their rights. Waffle House has their rights. And so I
1348 definitely would not say I wanted to say in opposition during that time frame. I would also
1349 like to say I definitely appreciate how helpful staff has been during the process of reviewing
1350 this. They did not have to have the neighborhood meeting that they had for the surrounding
1351 neighborhoods, but they did. It was not very well attended, unfortunately. But from that to
1352 the information they were able to send out through e-mail to me has been absolutely ideal.
1353 And so I would like to tell them I really do appreciate that.
1354
1355 I appreciate also that Waffle House has changed the design of the building. It could have
1356 looked like a historic Waffle House—and I use that term kind of loosely. And they've made
1357 the effort to make it fit more in with the residential area adjacent there. And I think that's
1358 great. I think it will look even more attractive if they can keep some of the signs off of the
1359 windows facing out from it, but that might not be able to happen.
1360
1361 The only things I would like to make sure are emphasized are some of the things staff has
1362 already brought out, that the sign height be lowered. I think 15 feet is definitely sufficient
1363 for a Waffle House. I would even think perhaps lower. We saw the picture from I think it
1364 was in South Carolina, and it was even lower there. I hope that that is supported by the
1365 Planning Commission.
1366
1367 And the monument style of it. I would like to perhaps see more landscaping on this site.
1368 Typically, Waffle Houses don't have landscaping around their foundations. I wish that
1369 would happen. I know Waffle House says that they are very cognizant of meeting ADA
1370 requirements. They do have an ample sidewalk there. It would be nice if there was
1371 landscaping around that dumpster enclosure. I do understand there's a sight distance
1372 easement along the frontage on Church Road, so that may prohibit some more intense
1373 landscaping from that area. But there still may be able to be some low-lying landscaping.
1374 And there is also a utility easement there I believe. So there may be an opportunity for
1375 some low-lying landscaping or for some that have a canopy above where sight distance
1376 concerns would be. I would hope maybe that could also be emphasized with this.
1377
1378 That's really just about all I had, that I just would like a couple of things to be emphasized
1379 in the site plan review, hoping that it can be as attractive as possible. Thank you.

1380
1381 Mr. Archer - Thank you. Ms. Turner. Are there questions? Thank you,
1382 ma'am. Anyone else before this gentleman comes? Come on up sir, I think that's it.
1383
1384 Mr. Barineau - My name is Walter Barineau, and I'm with Waffle House Inc.
1385 For reference, we are a 60-year-old company, so there are some historic Waffle Houses,
1386 I guess.
1387
1388 I think Mr. Kennedy has pretty much said it all. But one thing that I did want to address is
1389 the sign issue that we're somewhat in opposition to. We're all for lowering the sign to 15
1390 feet and actually limiting it to 50 square feet, which is far below what we're allowed to do.
1391 The big issue for me is we're being asked to do a monument sign. And if it's a 15-foot-tall
1392 monument sign, that's going to put a pretty big wall up on a site that has a lot of sight
1393 distance and easement issues already. So my big concern is how that's going to fit onto
1394 what's already a pretty tight site. We'll work to do that. We do monument signs all the time.
1395 They're no more expensive or less expensive than pole signs. It's just in this particular
1396 case with the sight distance easements and the other utility easements that are on the
1397 site, I don't see where that wall is going to go without blocking a lot of our glass line.
1398
1399 Mr. Witte - Mr. Secretary, do columns count as a monument sign?
1400
1401 Mr. Emerson - No, they wouldn't. We could modify the condition and limit the
1402 height and possibly the design.
1403
1404 Mr. Witte - I was trying to work with the line-of-sight issue.
1405
1406 Mr. Emerson - The light-of-sight issue is there; it is present. I don't discount
1407 that at all. We were looking at the monument sign that we saw at other locations. And the
1408 15 feet, we had actually thought about lower than that. But we felt that based on some of
1409 our previous cases throughout the County that normally we've limited it at 15. So we
1410 wanted to give them the opportunity to have some flexibility. We try to work within the
1411 constraints on the site. But certainly if something acceptable with pylons or something
1412 similar could be done that would better work within the sight distance parameters of the
1413 site, if the Commission is comfortable with that, we could work with it, I believe.
1414
1415 Mr. Witte - It was just a thought.
1416
1417 Mr. Leabough - Well they've done all that work on the building to make it look
1418 nice. You'd hate to have the sign take away from it.
1419
1420 Mr. Emerson - Oh, I don't disagree there.
1421
1422 Mr. Leabough - Which this sign would take away from it, in my opinion.
1423
1424 Mr. Emerson - Right. Of course the intent wasn't necessarily for them to use
1425 the entire 15 feet.

1426
1427 Mr. Barineau - Well you still get into your sight distance with height then.
1428
1429 Mr. Emerson - Right.
1430
1431 Mr. Leabough - So hopefully they're willing to kind of work with us around
1432 aesthetics for the sign too.
1433
1434 Mr. Witte - One other thing. You mentioned you were working on getting
1435 the black letters for the building as they have on the sign. Has that been worked out?
1436
1437 Mr. Emerson - No sir, not to my knowledge.
1438
1439 Mrs. Marshall - Mr. Barineau, are you willing to use black letters as opposed
1440 to the neon yellow standard letters?
1441
1442 Mr. Barineau - Can we go back to our original design and the revised, what
1443 we're proposing for this. This is what we're frankly allowed to do. It has black letters, but it
1444 has a lot of yellow along with it. What we've proposed is this. We can change the green
1445 awning to black. But I need some branding.
1446
1447 Mr. Witte - Okay. I just wanted to know if it had been worked out either
1448 way. And I understand. This is far less intrusive.
1449
1450 Mr. Barineau - It's not currently a condition. I would not want to see it as a
1451 condition.
1452
1453 Mr. Witte - Okay.
1454
1455 Mr. Barineau - And this, certainly compared to what—
1456
1457 Mr. Witte - They recently built one in my neighborhood. I wish it looked
1458 like that. Or not my neighborhood, my district. This is incredible compared to that. I applaud
1459 everybody involved for making it look so good.
1460
1461 Mr. Archer - All right, anything further?
1462
1463 Mrs. Marshall - Yes. As far as the 24 hours go—I live in the Three Chopt
1464 District. I actually live down the street. My question to you is what kind of traffic do you
1465 think you're going to really generate between like 1 a.m. and 5 a.m. to suffice being open
1466 24 hours?
1467
1468 Mr. Barineau - First of all, let me say that we're open 24 hours at every one of
1469 our locations. And that is a policy of ours. In the one closest to me, I feel bad because
1470 every weekend, my wife and I walk to the Waffle House that closest to me. It's three-
1471 quarters of a mile. And it doesn't do very much business on third shift either, but it does a

1472 ton on first and second. And it does do some on third. And it provides a place for—when I
1473 go by there on occasion on third shift, it provides a place for emergency workers, for police.
1474 There's a fire station right around the corner from us that does a good business with the
1475 Waffle House.

1476
1477 For this particular location, we don't expect it to be a raucous 24-hour third shift. We have
1478 one close to VCU that does a tremendous third shift, as I'm sure you can imagine. I don't
1479 expect that here. But the fact of the matter is we stay open 24 hours at every one of our
1480 locations. That's something that is a corporate policy.

1481
1482 Mrs. Marshall - So, that's not something you're willing to change.

1483
1484 Mr. Barineau - No, ma'am.

1485
1486 Mrs. Marshall - As far as your late-night hours and the traffic, can you explain
1487 the shift times to me, at least say from 12 to 5?

1488
1489 Mr. Barineau - Our first shift is 7 to 2. Second shift is 2 to 9. Third shift is 9 to
1490 7.

1491
1492 Mrs. Marshall - Okay. At any of your other locations, is security necessary?

1493
1494 Mr. Barineau - Security at our 2,000 locations, yes security is necessary at
1495 some of them. We provide security at all of our openings. We provide security day one.
1496 And we cut back on it or ramp it up as it's necessary or not necessary. In this particular
1497 location—we are a reflection of what our community is. The crime statistic for this area is
1498 25; average is 100. So this is a quarter of the crime that you see at an average place in
1499 America. I don't anticipate that we'll have much of a security issue here. But if it's
1500 necessary, we do provide it. We do have 24-hour CCTV cameras. The one thing that is
1501 certainly prevalent is we have staff members in the restaurant at all times. So, it's never
1502 not staffed. There's not a break room for people to go take naps or fall asleep or those
1503 types of things. So there's somebody out front. As you can see, there's a good glass line.
1504 That's designed so that if there is anything going on that shouldn't be going on inside, it's
1505 visible to everyone outside.

1506
1507 Mrs. Marshall - So my understanding is at the beginning you will have security.

1508
1509 Mr. Barineau - Yes, ma'am.

1510
1511 Mrs. Marshall - You will. And if it's necessary, you will keep it.

1512
1513 Mr. Barineau - Correct.

1514
1515 Mrs. Marshall - Okay.

1516

1517 Mr. Archer - All right, anything further? Ms. Marshall, do you need to hear
1518 from anyone else?
1519
1520 Mrs. Marshall - Anybody else like to speak? Opposition? Or for? Thank you.
1521
1522 Mr. Archer - Thank you, sir. All right, moving right along.
1523
1524 Mr. Emerson - Mr. Chairman, Mrs. Marshall and I were conferring on condition
1525 #33.
1526
1527 Mr. Archer - All right.
1528
1529 Mr. Emerson - I believe she's supportive of changing the language in this
1530 manner: Detached signage shall be of a material consistent with that on the building, shall
1531 be landscaped, shall be limited in height to 15 feet, and design shall be submitted to the
1532 Director of Planning for final approval.
1533
1534 Mr. Archer - Okay. So that does away effectively with the monument style.
1535
1536 Mr. Emerson - Correct.
1537
1538 Mr. Archer - All right.
1539
1540 Mr. Emerson - Unless it works. Unless we can find a way to make it work.
1541
1542 Mr. Archer - Right.
1543
1544 Mr. Emerson - It gives more flexibility.
1545
1546 Mr. Archer - I think it does. Thank you, sir. All right, Mrs. Marshall.
1547
1548 Mrs. Marshall - Mr. Chairman, I move POD2016-00291, Waffle House at 2800
1549 Old Pump Road, including the lighting plan, be approved subject to the annotations on the
1550 plans, the standard conditions for developments of this type, and additional conditions 11B
1551 and 29 through 33 on the agenda.
1552
1553 Mr. Witte - Second.
1554
1555 Mr. Archer - Motion by Mrs. Marshall and seconded by Mr. Witte. All in favor
1556 say aye. All opposed say no. The ayes have it; the motion passes.
1557
1558 The Planning Commission approved the plan of development and lighting plan for
1559 POD2016-00291, Waffle House at 2800 Old Pump Road, subject to the annotations on
1560 the plans, the standard conditions attached to these minutes for developments of this type,
1561 and the following additional conditions:
1562

- 1563 11B. Prior to the approval of an electrical permit application and installation of the site
 1564 lighting equipment, a plan including light spread and intensity diagrams, and fixture
 1565 specifications and mounting heights details shall be revised as annotated on the
 1566 staff plan and included with the construction plans for final signature.
- 1567 29. Approval of the construction plans by the Department of Public Works does not
 1568 establish the curb and gutter elevations along the Henrico County maintained right-
 1569 of-way. The elevations will be set by Henrico County.
- 1570 30. The location of all existing and proposed utility and mechanical equipment
 1571 (including HVAC units, electric meters, junctions and accessory boxes,
 1572 transformers, and generators) shall be identified on the landscape plan. All building
 1573 mounted equipment shall be painted to match the building, and all equipment shall
 1574 be screened by such measures as determined appropriate by the Director of
 1575 Planning or the Planning Commission at the time of plan approval.
- 1576 31. The developer shall obtain a Demolition Permit from the Building Official's Office
 1577 prior to demolition of the existing structures. The demolition permit shall address
 1578 the removal of any abandoned underground storage tanks.
- 1579 32. Prior to issuance of a building permit, the developer must furnish a letter from
 1580 Dominion Virginia Power stating that this proposed development does not conflict
 1581 with their facilities.
- 1582 33. Detached signage shall be of a material consistent with that on the building, shall
 1583 be landscaped, shall be limited in height to 15 feet, and design shall be submitted
 1584 to the Director of Planning for final approval.
- 1585
 1586

1587 Mr. Emerson - Mr. Chairman, we now move on to page 19 of your agenda and
 1588 page 2 of your amended agenda for POD2016-00521, Liz Crim/Doug Cole for Gaskins &
 1589 Paterson Inc. and GGC Associates LLC. The staff report will be presented by Mr. Greg
 1590 Garrison.

1591
 1592 **LANDSCAPE AND FENCE PLAN**
 1593

POD2016-00521
 Grayson Hill Section 5 –
 Revised – 9514
 Derbyshire Road

**Liz Crim/Doug Cole for Gaskins & Patterson, Inc. and
 GGC Associates, LLC:** Request for approval of a
 landscape and fence plan, as required by Chapter 24,
 Sections 24-106 and 24-106.2 of the Henrico County Code.
 The 6-acre site is located on the northern line of Derbyshire
 Road, approximately 1,145 feet east of its intersection with
 North Gaskins Road, on parcel 745-740-6503. The zoning
 is RTHC, Residential Townhouse District (Conditional).
 County water and sewer. **(Tuckahoe)**

1594
 1595 Mr. Archer - All right. Thank you, sir. Is there anyone present who is
 1596 opposed to POD2016-00521, Grayson Hill Section 5–Revised? Opposition, sir? Are you
 1597 in opposition?
 1598

1599 Mr. Nelson - [Off microphone.] I just wanted to comment about it.

1600
1601 Mr. Archer - Okay, we'll get to you. Go ahead, Mr. Garrison.
1602
1603 Mr. Garrison - Good morning. This is a request for approval to revise the
1604 previously approved landscape plan for Section 5 of Grayson Hill to include a fence and
1605 supplemental plantings along Derbyshire.
1606
1607 The proposed six-foot-tall fence and supplemental plant material are consistent with the
1608 recently approved amended proffers of REZ2016-00036. Staff has received additional
1609 information, which is located in your addendum, where existing plant material will be
1610 relocated to accommodate the new fence. That is right here.
1611
1612 Staff can now recommend approval subject to the standard conditions for landscape plans.
1613 Staff has not received any opposition to this request, but has been in contact with adjacent
1614 residents regarding the plant species. I believe their concerns have been addressed. I am
1615 available to answer any questions that you may have.
1616
1617 Mr. Archer - Thank you, sir. Any questions for Mr. Garrison? None? All right.
1618 Thank you, sir. Anyone need to hear from the applicant?
1619
1620 Mr. Baka - The applicant, but also hear from the opposition of the
1621 gentleman with comments from the neighborhood first.
1622
1623 Mr. Archer - Okay. Sir, would you come forward? Give your name for the
1624 record, please.
1625
1626 Mr. Nelson - I'm Dr. William Nelson. I'm a resident, 409 Branway Drive,
1627 which exits onto Derbyshire. The new plan is much improved over the original plan. The
1628 committee is very grateful for the developer and staff for working with us to improve it. We
1629 wish there was some more coverage, but we think it's about as good as it'll get.
1630
1631 I think the sole concern now is maintenance of the plantings over time. A couple of the
1632 plants that they've planted before have died, and they don't look so good. I've been
1633 reassured by Mr. Theobald that that's the responsibility of the Grayson Hill community. Is
1634 that correct? And they will stay on top of that?
1635
1636 Mr. Archer - Mr. Theobald is nodding in the affirmative.
1637
1638 Mr. Nelson - Okay. Well then the community appreciates the efforts of the
1639 applicant to improve the project. Thank you.
1640
1641 Mr. Archer - Thank you, sir. Any questions for him?
1642
1643 Mr. Baka - No questions of Dr. Nelson. I just have a question for staff. If I
1644 recall correctly from conversations, these plants would be irrigated. There's also an
1645 ordinance to address the issue from the County's standpoint. And there's the maintenance

1646 issue thirdly from the applicant's standpoint, that they can maintain their own plants. Is that
1647 correct?

1648
1649 Mr. Garrison - Yes, they are required to maintain their own plants. And there
1650 is irrigation that is required in this buffer.

1651
1652 Mr. Baka - So because we have those three factors, irrigation, ordinance,
1653 and maintenance—there's been substantial improvements and additional landscaping,
1654 particularly when you drive out Branway Drive and you're at the stop sign looking straight
1655 ahead. I think there is sufficient improvement there. Does anyone else have any other
1656 questions?

1657
1658 Mr. Archer - Anyone else? I think not, Mr. Baka.

1659
1660 Mr. Baka - At this point, unless anyone has any other questions for the
1661 staff or the applicant, Mr. Chairman, I would approve POD2016-00521, Grayson Hill
1662 Section 5–Revised, as presented here today with the annotations on the plan and subject
1663 to the standard conditions including the revised landscaping plan as discussed and
1664 amended.

1665
1666 Mr. Leabough - Second.

1667
1668 Mr. Archer - Motion by Mr. Baka and seconded by Mr. Leabough. All in
1669 favor say aye. All opposed say no. The ayes have it; the motion passes.

1670
1671 The Planning Commission approved the landscape and fence plan for POD2016-00521,
1672 Grayson Hill Section 5–Revised, subject to the annotations on the plans and the standard
1673 conditions attached to these minutes for landscape and fence plans.

1674
1675 Mr. Emerson - Mr. Chairman, next on your agenda would be consideration of
1676 the approval of your minutes from your November 16th meeting. There is no errata sheet
1677 with those this morning. However, any changes you may have of course we will entertain.

1678
1679 APPROVAL OF MINUTES: November 16, 2016

1680
1681 Mr. Archer - Anyone have a change to make, a correction? Mr. Thornton?

1682
1683 Mr. Thornton - I was looking at the minutes, and this is just a suggestion. And
1684 maybe it's been my fault. As I look at the minutes, I have a tendency to come up and say
1685 something at the end. But as these minutes are archival, I think it may be a good idea to
1686 have those remarks in here that a person from the Board or someone may have said. I
1687 didn't see any of those. I try not to say anything in a flippant way. But someone looking
1688 over these years from now might want to see what was the thinking of the Board at that
1689 time. And so it may be helpful when we have these suggestions, recommendations at the
1690 end to have them printed. I have noticed that I didn't see anything here. And it could be

1691 my fault. Maybe there was a pearl at the end, and whoever put these down just didn't say
1692 anything about that.

1693

1694 Mr. Emerson - Yes sir. We'll go back and listen to the tape and see if we can
1695 correct that.

1696

1697 Mr. Thornton - It's not for me, but for archival purposes.

1698

1699 Mr. Emerson - Absolutely.

1700

1701 Mr. Thornton - It teaches us a lot about what's going on. Thank you.

1702

1703 Mr. Emerson - Absolutely, yes sir.

1704

1705 Mr. Archer - Thank you, Mr. Thornton. All right, is there a motion on the
1706 minutes?

1707

1708 Mr. Witte - A motion to approve.

1709

1710 Mr. Archer - Right.

1711

1712 Mr. Witte - So moved.

1713

1714 Mr. Leabough - Second.

1715

1716 Mr. Archer - Motion by Mr. Witte and seconded by Mr. Leabough. All in
1717 favor say aye. All opposed say no. The ayes have it; the motion passes.

1718

1719 The Planning Commission approved the November 16, 2016 minutes as submitted.

1720

1721 Mr. Emerson - Mr. Chairman. I have nothing further for the Commission this
1722 morning other than to wish everybody a Merry Christmas. I look forward to seeing you in
1723 the New Year. And thank you, Mr. Thornton, for bearing with us for an entire year. It's been
1724 enjoyable and it's always nice. We get to see you once every five years.

1725

1726 Mr. Thornton - That is true.

1727

1728 Mr. Archer - I wanted to express those same sentiments. And it is also
1729 customary for us to thank staff for your wonderful support during the year. I'd also thank
1730 those who serve and protect us, some seen and some unseen. I should say some overt
1731 and come covert. And I wish everyone a happy holiday season.

1732

1733 This will probably be my last time serving as chair. I think I'll have some cleanup things to
1734 do at the next meeting in January, but other than that it has been my pleasure to serve as
1735 your chair. I think this is the fifth time I've done it, and it looks like I would have gotten it
1736 right by now. Anyway, it has been a pleasure.

1737
1738 One quick announcement I'd like to make. I have been advised that there is a video
1739 circulating called *Dance of the Pope*. If you receive it on your device, do not open it. If
1740 you're curious, then go ahead and open it, but that's what I've been told.
1741

1742 Mr. Leabough - There may be some consequences.
1743

1744 Mr. Witte - Mr. Thornton, it's been a pleasure. It's been very enlightening.
1745 Your comments are heeded. I appreciate it. And staff, another wonderful year. Thank you
1746 so much. Members of the Commission, thank you. You've kept me in line on let's just say
1747 more than one occasion.
1748

1749 Mr. Archer - I'm not sure about that, but we'll accept that.
1750

1751 Mr. Thornton - And Mr. Chairman, my last pearl would be that on behalf of my
1752 colleagues, members of the Board of Supervisors, we really want to thank this august
1753 Board for what you do. You do a stellar job. Those of us who were raised up where I was
1754 always were taught to show gratitude and tell me people when they've done things and
1755 have done them well. I don't know that I will be on this Board again in the future, who
1756 knows. But I'll say that other than the Board of Supervisors, the most important auspicious
1757 Board is the Planning Commission. So you as Commissioners, you have been fantastic.
1758

1759 Mr. Archer - We thank you, sir.
1760

1761 Mr. Leabough - Also a comment, Mr. Archer, for his leadership during the
1762 course of the year, those minutes will come in handy. I try to take notes while he's leading
1763 the meetings, but I can't quite capture everything. So I'll go back to the minutes as well to
1764 reflect on how I can be better when I serve as chair next. Hopefully.
1765

1766 Mr. Witte - I think we need to give a special thanks to Ms. Moore as she
1767 literally has our backs in everything.
1768

1769 Mr. Archer - She does. She backs us.
1770

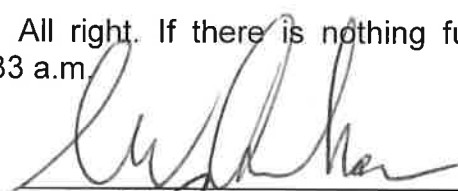
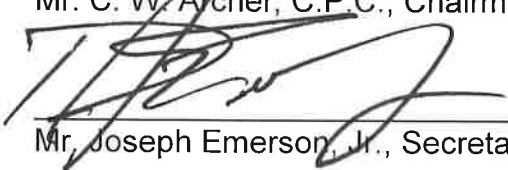
1771 Mr. Leabough - But no, you've done a great job, Mr. Archer.
1772

1773 Mr. Archer - Thank you, sir. And Mr. Emerson, we appreciate you very
1774 much.
1775

1776 Mrs. Marshall - Happy holidays.
1777

1778 Mr. Archer - All right. If there is nothing further, then I will declare this
1779 meeting adjourned at 10:33 a.m.
1780

1781 Mr. Witte – Second.
1782

1783 
1784 _____
1785 Mr. C. W. Archer, C.P.C., Chairman
1786 
1787 _____
1788 Mr. Joseph Emerson, Jr., Secretary

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 **January 25, 2017**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **January 24, 2018**, 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 **January 25, 2017**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **January 24, 2018**, 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 **January 25, 2017**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **January 24, 2018**, 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 **January 25, 2017**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **January 24, 2018**, 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 **January 25, 2017**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **January 24, 2018**, 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.

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 **January 25, 2017**, 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 **January 25, 2017**, 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)**

