Minutes of the regular monthly meeting of the Planning Commission of Henrico County, held in the County Administration Building in the Government Center at Parham and Hungary Springs Roads beginning at 9:00 a.m. Wednesday, February 25, 2009.

Members Present:
Mrs. Bonnie-Leigh Jones, Chairperson (Tuckahoe)
Mr. Ernest B. Vanarsdall, C.P.C. Vice-Chairperson (Brookland)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Tommy Branin (Three Chopt)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary
Mr. James B. Donati (Varina)
Board of Supervisors Representative

Others Present:
Mr. David D. O'Kelly, Assistant Director of Planning
Ms. Leslie A. News, CLA, 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, County Planner
Mrs. Aimee Berndt, County Planner
Mr. Jonathan W. Steele, G.I.S. Manager
Mr. Mike Jennings, Traffic Engineer
Mr. Jeff Perry, Engineering & Environmental Services Division Manager, Public Works
Mr. Keith White, Senior Engineer, Public Works
Ms. Holly Zinn, Recording Secretary

Mr. James B. Donati, the Board of Supervisors' representative, abstains from voting on all cases unless otherwise noted.

Mrs. Jones - Good morning, everyone. I'd like to call this meeting of the Planning Commission for Subdivisions and Plans of Development to order. First order of business, please stand, and we'll say the Pledge of Allegiance to the Flag.

Thank you. We're happy to have you here with us this morning. As I said, this is our Subdivisions and Plans of Development meeting, and we welcome you. We ask as a courtesy to everyone that you either mute or turn off your cell phones at this time. With that, I will turn our meeting over to our secretary, Mr. Joe Emerson.

Mr. Emerson - Thank you, Madam Chair. The first item on your agenda today is the request for deferrals and withdrawals. Those will be presented by Ms. Leslie News.

Ms. News - Good morning, Madam Chair, members of the Commission. We have one request for deferrals and withdrawals this morning. This is located in the Three Chopt District and is found on page 8 of your agenda. This is LP/POD-46-05, Preston Square. The applicant is requesting a deferral to the April 22, 2009 meeting. This is for their landscape plan.

LANDSCAPE & LIGHTING PLAN *(Deferred from the January 28, 2009 Meeting)*

LP/POD-46-05 Preston Square – 5411 Twin Hickory Road	**E.D. Lewis and Associates, P.C. for Preston Square, LLC:** Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 5.0-acre site is located on the west side of Twin Hickory Rd., approximately 1,500 feet east of Nuckols Rd., on parcels 747-773-5194, 5197, 5292, 5386, 5389, 747-774-4426, 4523, 4617, 4620, 4712, 4715, 4809, 4903, 5000, 5337, 5637, 5938, 6121, 6239, 6501, 6539, 6801, 7102, 7403, 7525, 7528, 7622, 7717, and 7720. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

Mrs. Jones - Is there anyone here in objection to the deferral of LP/POD-46-05, Preston Square? There are no objections.

Mr. Branin - Madam Chair, I'd like to move that LP/POD-46-05, Preston Square, be deferred to the April 22, 2009 meeting per the applicant's request.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred LP/POD-46-05, Preston Square, to its April 22, 2009 meeting.

Mr. Emerson - Madam Chair, if no other members of the Commission have deferrals they wish to bring forward at this time, that will take us to the next item, which is the Expedited Agenda, which also will be presented by Ms. Leslie News.

Ms. News - Sir, we have five items on our expedited agenda this morning. The first item is found on page 4 of your agenda and is located in the Three Chopt District. This is a transfer of approval for POD-120-83, the Freedlander Building, and staff recommends approval.

TRANSFER OF APPROVAL

POD-120-83
Freedlander Building –
4235 Innslake Dr.

Williams Mullen for WAM Associates, LLC: Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Innsbrook Corporation, Freedlander, Inc., and Barcroft Terrace, Inc. to WAM Associates, LLC. The 4.08-acre site is located on the south line of Innslake Drive, approximately 500 feet west of Cox Road, on parcel 747-761-9275. The zoning is O-3C Office District (Conditional). County water and sewer. **(Three Chopt)**

Mrs. Jones - Is anyone in opposition to the transfer of approval for POD-120-83, Freedlander Building? No opposition.

Mr. Branin - Then I'd like to move that transfer of approval for POD-120-83, Freedlander Building, be approved on the expedited agenda.

Mr. Vanarsdall - Second.

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

The Planning Commission approved the transfer of approval request for POD-120-83, Freedlander Building, from Innsbrook Corporation, Freedlander, Inc., and Barcroft Terrace, Inc. to WAM Associates, LLC, subject to the standard and added conditions previously approved and the following additional condition:

1. The site deficiencies, as identified in the inspection report, dated September 19, 2008, shall be corrected, or a bond shall be posted to cover the cost of the work, by April 1, 2009.

Ms. News - The next item is on page 5 of your agenda and is located in the Fairfield District. This is a transfer approval for POD-16-00 (Part). This is One Colonial Place in Fairfield. It's a portion of the POD. Staff recommends approval.

TRANSFER OF APPROVAL

POD-16-00 (Part) One Colonial Place Office Complex at Virginia Center - Telegraph Road	**Williams Mullen for Westcore Colonial Place, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Colonial Place, LLC and First States INV 241, LLC to Westcore Colonial Place, LLC. The 3.3-acre site is located on the east line of Telegraph Road, approximately 300 feet north of Jeb Stuart Parkway, on parcel 786-770-4008. The zoning is B-3C, Business District (Conditional) and O-3C, Office District (Conditional). County water and sewer. **(Fairfield)**

Mrs. Jones - Is there opposition to transfer of approval for POD-16-00 (Part), One Colonial Place Office Complex at Virginia Center? There is none.

Mr. Archer - I move that transfer of approval for POD-16-00 (Part), One Colonial Place Office Complex at Virginia Center, be approved on the expedited agenda subject to one condition.

Mr. Vanarsdall - Second.

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

The Planning Commission approved the transfer of approval request for POD-16-00 (Part), One Colonial Place Office Complex at Virginia Center, from Colonial Place, LLC and First States INV 241, LLC to Westcore Colonial Place, LLC, subject to the standard and added conditions previously approved and the following additional condition:

1. The site deficiencies, as identified in the inspection report, dated October 21, 2008, shall be corrected, or a bond shall be posted to cover the cost of the work, by April 1, 2009.

Ms. News - The next item is on page 6 of your agenda and is located in the Brookland District. This is a transfer of approval for POD-20-75, The Clifton Building. There's an addendum item on page 1 of your addendum, which includes the revised recommendation indicating that the new owner has been working with Community Revitalization to make improvements to the property, to address site deficiencies, and to hopefully add landscaping this spring, pending the status of their grant application. They've already paved the parking lot and made several improvements to the building. There is an additional condition addressing correction of the site deficiencies by April 30, 2009, including a missing stop bar, stop sign, and dumpster screen. Staff can recommend approval.

TRANSFER OF APPROVAL

POD-20-75 Clifton Building - 6010 W. Broad Street	**William W. Eng for Hampton Equity, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Bruce Dunstan to Hampton Equity. The 1.46-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 400 feet west of Crestwood Avenue, on parcel 770-741-5044. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

Mrs. Jones - Is there opposition to transfer of approval for POD-20-75, Clifton Building? There is none.

Mr. Vanarsdall - Madam Chair, I recommend approval on the expedited agenda for transfer of approval for POD-20-75, Clifton Building, with the added condition on the addendum, and I want to add a condition. I have spoken to Greg Garrison who is handling it and to Leslie News. I'm going to read what I have, and then they can word it the way they want to. This is about staining the dumpster. The dumpster enclosure is going to be wooden. The only reason I'm allowing the wood is because the old POD says "wood". The word, "maintenance," does not include staining or painting. My number two condition is, "The dumpster enclosure shall be opaque with an opaque door. Maintenance shall include staining when it is needed." Community Revitalization will handle that. With that, I recommend approval.

Mr. Jernigan - Second.

Mrs. Jones - Motion by Mr. Vanarsdall, and a second by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

The Planning Commission approved the transfer of approval request for POD-20-75, Clifton Building, from Bruce Dunstan to Hampton Equity, subject to the standard and added conditions previously approved and the following additional conditions:

1. **REVISED** - The site deficiencies, as identified in the inspection report, dated February 9, 2009, shall be corrected, or a bond shall be posted to cover the cost of the work, by ~~April 1, 2009~~ **April 30, 2009**.
2. **ADDED** - The dumpster enclosure shall be opaque with an opaque door. Maintenance shall include staining when it is needed

Ms. News - The next item is on page 7 of your agenda and is located in the Brookland District. This is a transfer of approval for POD-140-86, Royal Oldsmobile New Car Storage and Body Shop. There is an addendum item on page 2 of the addendum, including a revised staff report and revised condition. The applicant has agreed to provide landscaping, including trees and shrubs along Janway Road and Sanford Drive, and a seven-foot-high opaque vinyl fence around proposed outdoor

storage areas. They will also stripe the parking lot for required parking. The applicant will be submitting a plan to staff for approval by the Director of Planning with the finalized layout to accommodate the tenant mix, which has not been finalized. All deficiencies will be completed or bonded prior to occupancy per the recommended condition. Staff can recommend approval.

TRANSFER OF APPROVAL

POD-140-86 Royal Oldsmobile New Car Storage and Body Shop - 6700 Janway Road	**Marc Allocca for McKenney Land Company, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Royal Oldsmobile Company to McKenney Land Company, LLC. The 3.24-acre site is located at the northeast corner of the intersection of Sanford Drive and Janway Road, approximately 750 feet east of Staples Mill Road, on parcel 771-754-4790. The zoning is M-1, Light Industrial District. County water and sewer. **(Brookland)**

Mrs. Jones - Is there any opposition to transfer of approval for POD-140-86, Royal Oldsmobile New Car Storage and Body Shop? There is no opposition.

Mr. Vanarsdall - I recommend transfer of approval for POD-140-86, Royal Oldsmobile New Car Storage and Body Shop, be approved on the expedited agenda with the condition on the addendum.

Mr. Branin - Second.

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

The Planning Commission approved the transfer of approval request for POD-140-86, Royal Oldsmobile New Car Storage and Body Shop, from Royal Oldsmobile Company to McKenney Land Company, LLC, subject to the standard and added conditions previously approved and the following additional condition:

1. The deficiencies identified in the inspection report dated January 28, 2009 shall be corrected. Additionally, a plan shall be submitted for review and approval by the Director of Planning indicating landscaping along Janway Road and Sanford Drive, a 7-foot opaque vinyl fence for outdoor storage areas, and parking space striping. The site deficiencies and improvements shall be installed or bonded prior to occupancy of the building.

Ms. News - The final item is on page 12 of your agenda and is located in the Varina District. This is POD-02-09, Tuckaway Child Development Center. There is an addendum item on page 3 of your addendum, which includes a revised condition, #9, correcting the side of the street that the sidewalk will be placed on, and an added

condition, #38, addressing the requirement of the applicant to dedicate right-of-way for the realignment of Midview Road, as shown on the plans. Staff can recommend approval.

PLAN OF DEVELOPMENT

POD-02-09 Tuckaway Child Development Center – New Market Road and Midview Road (POD-48-06 Revised) (POD-32-04 Expired)	**Balzer and Associates for Saldus-West, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story 16,700 square foot daycare building with accessory swimming pool and pool house. The 5.22-acre site is located at the intersection of New Market Road (State Route 5) and Midview Road on parcels 803-701-3978 and 8673. The zoning is B-1C, Business District (Conditional). County water and sewer. **(Varina)**

Mrs. Jones - Is there any opposition to POD-02-09, Tuckaway Child Development Center?

Mr. Vanarsdall - Tuckaway seems like it should be Tuckahoe, doesn't it?

Mrs. Jones - Well, I'm sorry, but it's not. There is no opposition.

Mr. Jernigan - Madam Chair, with that I'll move for approval of POD-02-09, Tuckaway Child Development Center, subject to the annotations on the plans, the standard conditions for developments of this type, and the following additional conditions #29 revised, #30 through #37, and #38 added on the addendum.

Mr. Branin - Second.

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

The Planning Commission approved POD-02-09, Tuckaway Child Development Center, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

29. **REVISED** - A concrete sidewalk meeting County standards shall be provided along the ~~north~~ **south** side of Midview Road.
30. There shall be no outdoor storage in moveable storage containers including, but not limited to, cargo containers and portable on demand storage containers.
31. Outside storage shall not be permitted.
32. The proffers approved as a part of zoning cases C-25C-08 shall be incorporated in this approval.

33. Prior to issuance of a building permit, the developer must furnish a letter from Colonial Pipeline stating that this proposed development does not conflict with their facilities.
34. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
35. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
36. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.
37. Except for junction boxes, meters, and existing overhead utility lines, and for technical or environmental reasons, all utility lines shall be underground.
38. **ADDED** - The right-of-way for the realignment of Midview Road as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

Ms. News - That completes our expedited agenda.

Mrs. Jones - Thank you, Ms. News.

Mr. Emerson - Madam Chair, that takes us to the next item on your agenda, which is Subdivision Extensions of Conditional Approval. Those will be presented by Ms. Christina Goggin.

Ms. Goggin - Good morning. Lee is out of the country today, so I am filling in for him. I'd be happy to answer any questions the Commission may have on these extensions.

262 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
263
264 **FOR INFORMATIONAL PURPOSES ONLY**
265

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB-03-05 Castleton (February 2005 Plan)	494	178	3	Varina	02/24/10
Kain's Quarter (February 2005 Plan)	6	6	3	Three Chopt	02/24/10
Kensington Meadows (formerly Weatherfield Farms) (February 2004 Plan)	168	118	4	Fairfield	02/24/10
SUB-06-08 Staples Mill Centre (February 2008 Plan)	12	12	0	Brookland	02/24/10
Stony Run Estates (February 2003 Plan)	6	6	4	Varina	02/24/10
Westridge East (January 2005 Plan)	7	7	3	Three Chopt	02/24/10

266
267 Mrs. Jones - Are there any questions from the Commission about the
268 extensions? No? Thank you.
269
270 Ms. Goggin - You're welcome.
271
272 Mrs. Jones - Excuse me. Ma'am, if you would like to raise a question
273 about the Subdivision Extensions of Conditional Approval, I welcome you to come to
274 the front and ask a question.
275
276 Mr. Branin - Yes ma'am. The reason—
277
278 Mrs. Jones - You're going to have to come to the front to the microphone
279 because these proceedings are taped.
280
281 Ms. Goggin - I believe she is talking about Greendale Forest.
282
283 Mr. Vanarsdall - She's talking about the—
284

Ms. Barrett - Oh, I'm sorry.

Ms. Goggin - That's okay.

Ms. Barrett - So I'll just sit back down.

Mrs. Jones - Thank you.

Mr. Emerson - Madam Chair, that takes us to your regular agenda items and cases to be heard.

TRANSFER OF APPROVAL *(Deferred from the December 17, 2008 Meeting)*

POD-98-73 Tyler Building -Koger Office Center - Santa Rosa Rd.	**John J. Hanky, Jr. for 900 East Marshall Street Associates, LP:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Tyler Investments, LLC to 900 East Marshall Street Associates, LP. The 2.02-acre site is located along the east line of Santa Rosa Road, approximately 200 feet south of Discovery Drive, on parcel 758-744-8860. The zoning is O-2, Office District. County water and sewer. **(Three Chopt)**

Mrs. Jones - Is there opposition to the transfer of approval for POD-98-73, Tyler Building – Koger Officer Center? There is no opposition. Good morning Mr. Wilhite.

Mr. Wilhite - Good morning. Thank you, Madam Chairman.

Yesterday afternoon, we received a cash bond that covered the deficiencies that were identified in the County's inspection report. On page 1 of your addendum, staff has now recommended approval with one condition proposed, and that is that these deficiencies be corrected by May 31, 2009.

Mrs. Jones - All right. Any questions from the Commission for Mr. Wilhite? No questions.

Mr. Branin - Madam Chair, I'd like to move that transfer of approval for POD-98-73, Tyler Building – Koger Officer Center, be approved, including the addendum.

Mr. Vanarsdall - Second.

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

The Planning Commission approved the transfer of approval request for POD-98-73, Tyler Building – Koger Officer Center, from Tyler Investments, LLC to 900 East Marshall Street Associates, LP, subject to the standard and added conditions previously approved and the following additional condition:

1. The site deficiencies, as identified in the inspection report, dated July 24, 2008 shall be corrected by May 31, 2009.

SUBDIVISION *(Deferred from the January 28, 2009 Meeting)*

SUB-29-08 Dumbarton (December 2008 Plan) Irisdale and Greenway Avenues	**M-Squared Engineering, LLC for Tetra Assoc., LLC:** The 3.309-acre site proposed for a subdivision of 9 new single-family homes is located along the south line of between Irisdale Avenue and the north line of Greenway Avenue, approximately 200 feet east of Greendale Road on parcels 775-745-8761, 9463, 9842, 776-745-0165, 0968, 2271, and 1246. The zoning is R-4, One Family Residence District. County water and sewer. **(Brookland) 9 Lots**

Mrs. Jones - Thank you. Is there any opposition to SUB-29-08, Dumbarton (December 2008 Plan)? No opposition. Good morning, Mr. Ward.

Mr. Ward - Good morning.

This subdivision request is to create nine lots for infill development along Greenway and Irisdale Avenues. It was deferred by the applicant from the January 28, 2009 Planning Commission meeting to address buffering issues.

A meeting was held on February 4, 2009, between Tetra Associates and Commonwealth Tent Company to decide on a reasonable buffer between these proposed residential lots, which is here to the east. To the west, is the industrial property. Basically, this buffer is to lessen the impact from the industrial property. The two property owners have entered into an agreement to replace the existing deteriorating five-foot stucco fence, which is running along the western property line, with a seven-foot vinyl fence to go back along the property line. Additionally, protective bollards will be installed on the business side of the fence to protect the vinyl fence. The written agreement is referenced in added condition #14 on the addendum.

Also, the revised plan depicts the buildable areas, lot sizes and dimensions required per code and the 35-foot rear yard setback from the wetlands as required by Public Works Environmental Division.

Staff recommends approval subject to the annotations on the plans, the standard conditions for subdivisions served by public utilities, condition #13, as well as the added condition #14 in the handout addendum.

The applicant, David DuRant, is here today to discuss any matters, and I will also be happy to answer any questions you may have at this time.

Mrs. Jones - Do we have any questions from the Commission for Mr. Ward?

Mr. Vanarsdall - I don't believe I could think of any to ask him; I've already asked him all of them.

Mrs. Jones - You've covered all those. Would you like to hear from the applicant?

Mr. Vanarsdall - No, it's not necessary.

Mrs. Jones - Okay.

Mr. Vanarsdall - I want to start off by thanking Matt while he's standing there. I also want to thank Leslie News and Mike Kennedy. I thank the applicant for getting everything in to us in time for today. As you know, this case was deferred, and I brought a piece of the present wall in and showed it to you all. It looked like plaster with wire, but they say it was something else. Anyway, everything worked out fine. They're going to have a new fence, a pretty fence. With that, I recommend SUB-29-08, Dumbarton (December 2008 Plan), be approved with conditions for subdivisions served by public utilities, the following additional condition #13, and condition #14 on the addendum.

Mr. Archer - Second.

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

The Planning Commission granted conditional approval to SUB-29-08, Dumbarton (December 2008 Plan), subject to the standard conditions attached to these minutes for subdivisions served by public utilities, the annotations on the plans, and the following additional conditions:

13. Any necessary offsite drainage easements must be obtained prior to final approval of the construction plan by the Department of Public Works.
14. A fence shall be constructed along the western property line, in accordance with the letter of agreement between Tetra Properties, LLC and Commonwealth Tent property signed February 24, 2009, prior to recordation of the plat or as requested by the Director of Planning.

403 **SUBDIVISION – CHESAPEAKE BAY RESOURCE PROTECTION AREA EXCEPTION**
404

SUB-01-09 Greendale Forest Subdivision Lot 25, Block 32 - 6600 Fernwood Street – Chesapeake Bay Resource Protection Area Exception	**Balzer and Associates for Deaton Land Trust and Emerald Associates, Inc.:** Request for approval of a Chesapeake Bay Resource Protection Area Exception as required by Chapter 24, Sections 106.3(L) and 106.3(F) of the Henrico County Code for an exception to allow encroachment into the seaward 50 feet of the Resource Protection Area (RPA), a component of a Chesapeake Bay Preservation Area, to allow construction of a single family residence. The 0.22-acre site is located at the southwestern terminus of Fernwood Street, at 6600 Fernwood Street, approximately 1,250 feet south of Penick Road, on parcel 771-746-0812. The zoning is R-4, One Family Residence District. County water and sewer. **(Brookland) 1 Lot**

405
406 Mrs. Jones - Before we get started, is there anyone in the audience with
407 opposition to SUB-01-09, Greendale Forest Subdivision Lot 25, Block 32? All right.
408 When we have finished with the presentation, I'll call you forward to ask your question.
409 Thank you. Good morning, Mr. Perry.
410
411 Mr. Perry - Good morning.
412
413 Mr. Vanarsdall - I'd like to add that we're very honored to have Mr. Perry. We
414 don't get him here very often, so we know this is important. Keith White is there to help
415 him, or was.
416
417 Mrs. Jones - He is.
418
419 Mr. Perry - Madam Chair, members of the Planning Commission, it is a
420 pleasure to be back before the Planning Commission.
421
422 When the Chesapeake Bay Act was adopted by the Chesapeake Bay Board back in
423 1989, one of the concerns was that the RPA 100-foot buffer, which is the buffer not to
424 be disturbed, would cause some existing lots to become un-buildable. The case before
425 you is one of those instances. The lot at 6600 Fernwood, recorded in 1926, is located
426 entirely within the RPA. As a matter of fact, the home would need to be located in the
427 lower 50 feet, or the seaward 50 feet of the 100-foot buffer. So, if you have that 100-
428 foot buffer, you split it, the seaward would be the closest to the creek, that 50 feet,
429 which is why we're here today. The regulation allows encroachments into the upper 50
430 feet to be done administratively. We handle those in Public Works. However,
431 encroachments into the lower 50, or the seaward 50 feet, have to be approved by the
432 Planning Commission. The regulations require that the disturbance within the seaward
433 50 feet be the absolute minimum. Therefore, the applicant has offered the following
434 conditions:

1. The side yard setback will be restricted to 10 feet to keep the proposed structure as far from the wetlands as possible.
2. The land disturbance will be minimized to retain a majority of the undisturbed RPA while providing minimal but useable yard areas.
3. The limits of the disturbance will be marked using tree protection fencing and/or barricade tape to reduce the risk of additional impacts during construction.

The Department of Public Works recommends the Planning Commission approve the request to encroach into the seaward 50 feet of the RPA based on those three conditions, and adding a fourth condition, which is: The limits of disturbance shall be marked with Environmental Protection Area signs prior to issuance of the Certificate of Occupancy. The signs will be provided by the County, which we do on a regular basis.

With that, I will answer any questions.

Mrs. Jones - Questions for Mr. Perry from the Commission?

Mr. Vanarsdall - I understand that this house will be in line with the house next door, probably within a foot or so. You looked that up for me.

Ms. Goggin - Yes, sir. The lot will meet the setbacks, as is required by the Code, which is consistent with the homes in the neighborhood.

Mr. Vanarsdall - That's the only question I had.

Mrs. Jones - All right.

Mr. Vanarsdall - I know the Commission knows this, but this is the first one we've ever had.

Mr. Perry - That's correct.

Mrs. Jones - Mr. Vanarsdall, would you like to hear from the applicant?

Mr. Vanarsdall - We do have opposition, so I need to hear from the applicant.

Mrs. Jones - All right, ma'am, if—Oh, excuse me. From the applicant?

Mr. Vanarsdall - I don't believe the applicant is here. There he is.

Mrs. Jones - Okay. Would you like to hear from the applicant?

Mr. Vanarsdall - Yes.

Mrs. Jones - Okay.

Mr. Wagner - Good morning, Madam Chair and members of the Planning Commission. I'm Brian Wagner at Balzer and Associates. If you have some questions, I'll be glad to answer them. As Mr. Perry said, this is an exception for a non-conforming lot, and this is the first one you've heard. We feel like this is the minimum encroachment necessary to build a lot that's in keeping with the rest of the neighborhood.

Mr. Vanarsdall - I didn't have any questions for you, I just wanted you to know that you have some opposition and to stand by. We'll call on you to answer her questions, or maybe Mr. Perry or Mr. White can.

Mr. Wagner - Absolutely. Thank you.

Mr. Vanarsdall - Thank you.

Mrs. Jones - If you would please state your name and address for the record.

Ms. Barrett - I'm Brenda Barrett. I own the lot beside that, which is Lot 24. I live on Lot 23, and I have been living there since 1978. On my deed, F. T. Sergeant was the one who was the surveyor at that time. In fact, he was married to my father's stepmother for quite some time. He's passed away now. On my original plans, there is no sewer line on that property. It has been in the flood line I think until January of this year. The water flow on that land down there is a great concern to me, and I'm going to tell you why.

Back in the 1980's, Upham Creek was rerouted off of Fernwood Street back up to, I think it was, Bethlehem Road. They put a new sewer line in; they put new pipes in, and they rerouted this creek back off of these properties. The original Upham Creek went straight through the property for protection that they are talking about interfering with. What is happening is we are at the bottom of the hill. The water runs down my street, it goes up against my curb, goes across this property, and dumps down into this ditch. It goes down the alleyway that is behind me. This is Upham Brook, by the way, that's on these old maps. So, when it rains, the water comes down behind my property, crosses over 6602, and goes into the ditch at 6600. On Glenwood Street, they have a runoff now. The County has come out and built a runoff to try to run the water off Glenwood Street to go into the Upham Creek to take the water on down to the Chesapeake Bay. This original creek that was through this property is trying to come back.

We have big floods down there right up in that protection area. When Gaston came through there, it was like a river. This is the one that took the bank off the foundation on Lakeside Avenue. It was built so close to the creek. I have concerns about that. I have concerns about a single family living there with children. There are big floods back there. I don't know if someone is going to inspect this property or this problem, but if they go down there and look at this, they're going to see where the water comes

through the protection area now. I'm concern about that. I'm concerned about the drainage system on my property. You answered the question that you were going to build a house. How many feet back in accordance to the houses lined up on Fernwood Street? Before that lot goes into a ditch, it's not even—they're going to have to fill that land in. I have a problem with dirt coming in, redesigning land back there. What's it going to do to my 6602? I may have a drainage problem. That is a very serious issue. I'm very concerned about that.

Protection areas, I have problems with that. There's a Blue Heron that's probably going to be coming in there. I read it in the paper yesterday. I didn't see him last year, but I know exactly where this boy's nest is. There's a lot of wildlife down there, and I'm one of these people that doesn't think it should be disturbed. Not because of wildlife, but because a foundation on that property may possibly be in jeopardy. If the drainage system is built properly—I know they can do wonderful things now, but I wouldn't okay it.

I think this builder has bought land behind me. This is a different story. I know the flood line actually comes up to that property a little bit closer. I walk over in those woods all the time. That does not flood behind me. If he could extend the road off Glenwood, he could put two very nice homes back there. I think this is a very big question mark. I'm just saying what I thought I needed to say, and I thank you for your time.

I have the plans here. I drew it on a piece of paper, how the water flows, if you are interested.

Mr. Vanarsdall - All right.

Ms. Barrett - I'm not a very good artist, but—

Mr. Vanarsdall - Can you put it on the screen?

Mrs. Jones - Sure.

Ms. Barrett - Yes.

Mrs. Jones - All right, Ms. Barrett, thank you very much. We'll get some folks up to address the concerns that you're raised.

Ms. Barrett - Okay.

Mr. Vanarsdall - Thank you.

Mr. Branin - Mr. Perry, while they're doing that can—

Mr. Perry - I will offer this.

Mrs. Jones - Just a moment. We have to make sure you're at the mic.

Mr. Perry - I will offer this. The previous slide that was up, you can see that the home will be outside the 100-year floodplain. I guess the concern that the home would be flooded, it's outside the 100-year floodplain, and that's what the County requires.

Mr. Branin - Mr. Perry, knowing the extensive job that your department and the rest of the County do in regards to neighborhoods and wet areas—which in the Three Chopt District, I've come to you a couple of times and asked for your advice in neighborhoods that had these sort of issues—not to this extent, but we had these kind of issues. Does the County feel comfortable that this won't affect the house, and it is in a safe area?

Mr. Perry - We do.

Mr. Vanarsdall - You don't think it will—

Mr. Perry - Being that the home is located outside the 100-year floodplain, I mean, that's what we require on any project. It does meet that, and I don't really see a reason to question that at this point.

Mrs. Jones - Mr. Perry, before you sit down, are you saying that the fact that the stream was diverted previously is not an issue here?

Mr. Perry - Yes, I am. Streams do, for whatever reason, tend to move. That's why they meander. Whether man does that, or whether nature does that, it does happen. However, the floodplain, the water getting outside the bank and how far it moves usually stays within the same parameters because it's based on elevation. So, the 100-year floodplain, where it's shown is accurate as far as the calculations that we use. That's what you really need to go by.

Mrs. Jones - All right.

Mr. Vanarsdall - Thank you, Mr. Perry.

Mr. Donati - We do allow homes to be built in floodplains, don't we?

Mr. Perry - Excuse me?

Mr. Donati - Don't we allow homes to be built in floodplains?

Mr. Perry - The finished floor has to be one foot above. However, in this case, the house isn't even in the floodplain.

Mr. Donati - So, we do allow it.

Mr. Perry - We have had that situation before. We try to avoid it, but in this case, the house isn't even in the floodplain.

Ms. Barrett - [Off mic.] I thought half the property [inaudible].

Mr. Perry - The property may be in the floodplain, but the house isn't being proposed in it. The 100-year floodplain does touch a corner of the house.

Ms. Barrett - [Off mic – inaudible.]

Mrs. Jones - Ma'am? I'm sorry; we can't have comments from the audience.

Mr. Branin - You're welcome to come up to the mic.

Mrs. Jones - Unless you want to come up to the mic.

Ms. Barrett - [Off mic – inaudible.]

Mrs. Jones - Okay.

Ms. Barrett - I was told that at 6602, if I put house there, I'd have to have a drainage system built to keep the problems at the bay. How do I know that you're going to do that in that lot to keep your water from backing up on mine? It's going to hit that property, and it's going to back up onto mine. It's going to be a big problem.

Mr. Branin - He's a County official. That would be a question you would ask the developer, not the County.

Ms. Barrett - How can I trust they'll do the right thing?

Mrs. Jones - If you'll let the developer come up and the engineer come on up and talk to that point. Could you have a seat?

Ms. Barrett - What I'm trying to say about Glenwood is when the water comes down Glenwood, the County came down there and put the pipe down there for the water to flow back to that creek that had been rerouted. It doesn't go that far. It turns right there at the protection place where the original Upham Creek was. That's what I'm saying. This water does not go back to the one manmade; it goes back to the original one, which is going to go through that area where he's trying to build this property. I'm telling you when the rains come down there, it's deep. It's not two feet, it's deep. I mean, it doesn't happen every week, and it might not happen for five years; we don't know. I was there when Gaston came through; it was a river down there. If you go down there and you look at all the trees, they're all bent down where the water has been flowing through there for years. I don't think they know this. I think they come

down, do a job, and they don't see the things I've seen for 32 years. I know flood lines are drawn. Like I said, the lots behind me, I know the flood line comes closer to those, but so help me, they are way above the water. I can walk with my cats back there to that water on Glenwood, and it never floods. It would be a good place to build a house.

Mrs. Jones - Let's see if we can't get some answers to your concerns.

Ms. Barrett - Yes, I understand.

Mrs. Jones - Thank you.

Mr. Wagner - Thank you, again. There is certainly nothing like the experience of being someplace all your life and seeing things on a regular basis. The 100-year floodplain, as you all know, is sort of an average over time. Is it possible to have the previous document that was up? There you go. If you'll see, there is a 100-year floodplain on the property. On this drawing, you'll see it's in the upper left-hand corner. It's just outside of the wetland area in some places. That would be in the rear yard that wouldn't be disturbed. When I say it wouldn't be disturbed, there will be no land disturbance; there will be no fill in those areas. There will be no fill within the floodplain itself. The land disturbance will be restricted to just that cleared area you see to the right of the red line, which is the RPA, and to below the crosshatch line at the top of the drawing. So, it's about a 35-foot rear yard. I can't remember what the front yard setback was. It is really the minimum necessary to put a house here. This lot, again, was recorded in the 1920's. It is an existing lot. The applicants did purchase it as an existing lot, and the intention is to build a home there. It's not in our client's interest to build something that's going to flood someone else or cause a flooding problem on their property. Fill itself is going to be tightly managed; plus, just from an economic standpoint, it doesn't make sense to bring in more fill than is necessary or raise the grade any higher than adjoining properties.

With that said, the County has environmental staff to come out and do inspections for erosion and sediment control, which I imagine they'll be doing on a regular, routine basis. During the construction process, that part would be managed. Again, it's a single-family home, so any drainage coming from the house should be minimal. The proposed drive is small. It shouldn't be a huge amount of impervious cover. We don't anticipate a great deal of additional storm water coming off this site.

Mrs. Jones - I think what Ms. Barrett is looking for are assurances that the situation will not worsen what is. Obviously, Gaston was an unusual event everywhere in our area. She's looking for assurances.

Mr. Wagner - I understand. I'm not sure what kind of assurances we could offer other than just the proof is sort of in the development itself. We can't stop the rains from having runoff events. Obviously, this house would be the first impacted if there was a flood, so there would be greater damage to our property, our client's property before there would be damage to her property and the adjoining properties. So, it is

obviously a risk in that sense; however, the 100-year floodplain is within the lot, but it's not within the buildable area of the house or the area proposed for any kind of land disturbance. We were careful not to do that and, again, to keep the encroachment to a minimum.

Mr. Branin - When we say that a citizen or resident is asking for assurances that she's not going to be affected by rain, to come back and say that the rain is the rain and that's what it does, you know—

Mr. Wagner - I'm not—

Mr. Branin - What we're looking for from you, sir, is to know that your design is going to ensure that we're not going to affect other people's properties. We're not asking you about nature.

Mr. Wagner - I'm not trying to be flip at all, and I totally understand your frustration. It's a single-family house. It's not a commercial property with a whole lot of parking. I think that it's a minimum size house. You really don't allow storm water management facilities on a lot, so I'm not sure what sort of a BMP we could do to alleviate a flooding condition. I'm happy to entertain any suggestions that Public Works might have.

Mr. Perry - From our standpoint—

Mrs. Jones - Come a little closer to the mic.

Mr. Perry - From our standpoint, I think it meets all the regulations, all the environmental regulations, and that's what we look at first from a Public Works standpoint. As far as an impact on drainage for additional lots, people that are around them, as you can see, the lot pretty much will flow directly to Upham Brook. We will look at some of the spot checks on the elevations when the building permit comes in, but it looks to me like it shouldn't really create a problem. As far as flooding during a Gaston, that's way above the 100-year floodplain. There are going to be a lot of homes that probably would flood during a Gaston storm in addition to this. From a Public Works standpoint, number one, it meets all the regulations. Number two, just looking at it, again on the conceptual plans, I don't envision this being a drainage problem for other lots, runoff from the construction of the home. I just really don't see it at this point, but again, I don't have all the details. We'd look at that. At this point, that's really all I can offer.

Mr. Jernigan - I think that she's not so much worried about a Gaston, it's just everyday rain. I believe by Code, Mr. Emerson, that they can't put any more water on somebody else's property than they already have under normal conditions, correct?

Mr. Emerson - Yes, sir. I believe that is correct.

Mr. Jernigan - If there was any more water on your property—if this is approved, they would have to rectify that situation if you got more water than what you have now.

Ms. Barrett - [Off mic.] [Inaudible.]

Mr. Jernigan - Ma'am, you have to speak at the podium.

Ms. Barrett - [Off mic.] Okay. [Inaudible.] [Back at mic.] This lot doesn't have a sewer line. There's no connection on this property. This starts at 6602. I don't know how they do that. Do they extend the sewer line down? I don't want them connecting to my 6602; that's not right.

Mrs. Jones - Okay, we'll ask that.

Ms. Barrett - Yes, I have that question, too. I think there was something else, but I can't remember.

Mrs. Jones - Mr. Wagner?

Ms. Barrett - Do they extend the sewer line?

Mrs. Jones - I'll get somebody up.

Ms. Barrett - Okay. Let me tell you this. The people who come at the sewer line down there at that creek, they come in the summertime and they empty it all the time, four or five times. My husband went down there and said, "What are you doing?" He said, "We have to empty it because of the water problem. We have to drain the sewer line."

Ms. Goggin - I cannot address the emptying of the sewer line near the creek, but the existing sewer is in Fernwood Street, which is a public right-of-way. The developer would need to extend it down Fernwood Street to the property, and then get proper connections from Public Utilities for water and sewer.

I was going to say just for the record, everybody kept talking about floodplain and how much is on the lot. The lot area is 9,373 square feet. The floodplain on the site is 1,608 square feet. So, there is 7,765 square feet outside the floodplain. The Zoning Ordinance requires 6,000 square feet for it to meet Code and to be buildable, which it exceeds that.

Mrs. Jones - Thank you for that verification.

Ms. Goggin - You're welcome.

Mr. Vanarsdall - Madam Chair, I have a question for Mr. Emerson. Since this is the first one we've had, do you think we should hold this up to look into what she's talking about?

Mr. Emerson - That's entirely up to you. I do know there are some concerns with some of the sewer lines in that area. I don't know that that's a reason to hold this back.

Mr. Vanarsdall - You don't think it is.

Mr. Emerson - No, sir. Unless you would like to hold it back and ask for a representative from Utilities to be here at your next meeting to explain to you the situation as it exists concerning the sewer line. I don't know that this impacts the sewer line.

Mr. Vanarsdall - What does the rest of the Commission think, since this is a new toy here?

Mr. Archer - Well, Mr. Vanarsdall, I was just sitting here thinking probably the same thing that you are. Whatever we do will set a precedent, as this is the first one. From what Ms. Barrett says about the sewer line having to be cleaned out, Mr. Secretary, is that a normal occurrence for that to have to happen?

Mr. Emerson - It depends. I do know that there are some sewer line issues in this vicinity. I'm not exactly sure what is being referred to here. There may be a pump station or a collection area. There could be infiltration into the sewer line from groundwater sources that have to be pumped out on occasion. Again, I don't know that approval of this incursion into the RPA would have any impact on the sewer line. Certainly, if an additional connection would be problematic, Utilities would not approve that connection. Regardless of what the issue is, I don't know if that has any impact on your decision in this case. It's certainly something you may want to be educated on, and we could ask Utilities to come in and talk to you about it, but again, I don't know that that has any bearing on your decision in this case. It's completely up to you as to how you want to handle it.

Mr. Vanarsdall - I think that maybe Utilities should be notified to take a look at the situation over there where she lives.

Mr. Emerson - Sure.

Mr. Branin - In regards to the sewer lines, Mr. Perry—and you can correct me if I'm mistaken—in a lot of the neighborhoods in the County, such as mine, when we have large rain events, you'll see the County pump truck going through the different streets in my neighborhood because of the age of the sewer pipes. They get infiltrated by seepage from the rainfall.

Mr. Perry - That's right.

Mr. Branin - So, they have to back them out quickly so they don't back up into houses. Is that correct, Mr. Perry?

Mr. Perry - You are correct.

Mrs. Jones - All right.

Mr. Vanarsdall - What happened to what was up there that we never could see?

Mr. Emerson - The drawing that was provided, we couldn't see it on the computer. Staff has that, if you could pass it.

Mr. Archer - We're not seeing it on our computer.

Mr. Branin - You want to just hand it to us, Mr. Kennedy?

Mr. Vanarsdall - All right.

Mrs. Jones - Would you like to see that, Mr. Vanarsdall?

Mr. Vanarsdall - Well, I thought we should see it, since she brought it.

Mrs. Jones - Are there any further questions from the Commission for any of the folks here?

Mr. Archer - So, Madam Chair, we are to conclude, then, that if this lot were allowed, it wouldn't exacerbate the problem with the sewer? Is that what I'm to understand? It wouldn't create any more of that than they already have.

Mr. Emerson - That would be my opinion. Yes, sir.

Mrs. Jones - Also, that the sewer question and the drainage flooding question are separate issues on this particular case.

Mr. Emerson - Yes, ma'am. I don't believe that the sewer question has any bearing on the approval of the encroachment into the RPA.

Mrs. Jones - Mr. Vanarsdall, how would you like to proceed?

Mr. Vanarsdall - I'm ready for a motion. Ms. Barrett, I appreciate you coming this morning and giving us that input. We'll have Public Utilities out in your neighborhood.

Ms. Barrett - [Off mic– inaudible.]

Mrs. Jones - I'm sorry, we can't have any—You can talk to him perhaps after the hearing. Thank you.

Ms. Barrett - [Off mic.] All right.

Mrs. Jones - Mr. Vanarsdall?

Mr. Vanarsdall - Mr. Wagner, you may want to visit her, Ms. Barrett, and talk to her more about it.

Mr. Wagner - We're going to get together here in just a minute and meet further if necessary. Absolutely.

Mr. Vanarsdall - I think they would feel more satisfied about this.

Mrs. Jones - Thank you.

Mr. Vanarsdall - Mr. Perry, I appreciate you coming with us this morning, and Keith White. Thank you, Christina, for handling the first one in the County. I think you've handled them in King William, didn't you? You may become an expert on this.

Mr. Jernigan - She may already be.

Mr. Vanarsdall - With that, I recommend SUB-01-09, Greendale Forest Subdivision Lot 25, Block 32, for approval with the conditions at the bottom—1, 2, 3, 4.

Mr. Branin - Second.

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

The Planning Commission granted the request for an exception to encroach into the seaward 50 feet of the RPA buffer at 6600 Fernwood Street for purposes of constructing a single-family residence for SUB-01-09, Greendale Forest Subdivision Lot 25, Block 32, subject to the following conditions:

1. The side yard setback will be restricted to 10 feet to keep the proposed structure as far from the wetlands as possible.
2. The land disturbance will be minimized to retain a majority of the undisturbed RPA while providing minimal but useable yard areas.
3. The limits of the disturbance will be marked using tree protection fencing and/or barricade tape to reduce the risk of additional impacts during construction.

4. The limits of disturbance shall be marked with Environmental Protection Area signs prior to issuance of the Certificate of Occupancy. The signs will be provided by the County.

PLAN OF DEVELOPMENT & MASTER PLAN
(Deferred from the January 28, 2009 Meeting)

POD-68-07 The Shire @ Pump and Church – Church Road and Pump Road	**Kimley Horn for Kevin McFadden and The Rebkee Company:** Request for approval of a plan of development and master plan as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct five, one-story retail buildings (Buildings 1-5) totaling 50,480 square feet and a future one-story retail building (Building 6) totaling 12,900 square feet, pursuant to a phased master plan. The 21-acre site is located at the southwest corner of the intersection of Pump and Church Roads on parcels 739-754-7156 and 739-753-1396. The zoning is B-2C, Business District (Conditional), C-1C, Conservation District, RTHC, Residential Townhouse District (Conditional) and R-3AC, One-Family Residence District (Conditional), B-3, Business District and R-5A, General Residence District. County water and sewer. **(Tuckahoe)**

Mrs. Jones - Good morning, Mr. Kennedy.

Mr. Kennedy - Good morning, members of the Commission.

Mrs. Jones - Let me ask, is there anyone here in opposition to POD-68-07, The Shire @ Pump and Church? There is no opposition. Thank you.

Mr. Kennedy - Good morning, members of the Commission.

Development at the intersection of Church and Pump Roads has been delayed until the long anticipated construction of John Rolfe Parkway. John Rolfe Parkway from Broad Street to this intersection is under construction right now, and it is anticipated to be completed within the next year. Phase 2, which extends from Pump Road down to Ridgefield Parkway, is anticipated to be put under bid sometime in the late spring, and will take about two years to be constructed.

Now that those infrastructure improvements are underway the development of the surrounding area including the subject property is feasible. This project will complement the project that is located in this block here across Pump Road, which has also been approved previously by the Planning Commission.

The proposed development will function as a unified commercial village with a common architectural theme, uniform lighting, signage, and enhanced landscaping. This

proposed development is consistent with the Church Road and Pump Road Special Strategy Area, which was adopted on March 23, 2004.

A future residential component here, this section here, would require a separate approval by the Planning Commission. It will complement the development enhancing its integration into the surrounding neighborhoods and create a neighborhood-orientated commercial center.

The development would establish a strong gateway to the Church/Pump area by: placing the buildings close to the adjoining streets, as they are shown here; orienting parking areas to the interior of the site; and providing high quality design features. I'll go back to those design features. As you can see, it's a high-quality design. I'll speak to those issues at this point. Those high-quality features include: finished sides so that service entrances, which face the street, actually, are not apparent to be service entrances, but actually have finished sides of the building; articulation of roof lines to reduce mass; enhanced pedestrian orientation—there will be sidewalk around the perimeter; and architectural detailing to eliminate blank walls and to provide visual interest.

At this time, I'd like to show some of the aerial elevations. This is located within the site—facing within the site. So, you can see what the interior of the site looks like. This is facing north on the interior of the site. The bottom elevation is actually what you would see from John Rolfe Parkway. The upper elevation is what you would see from Church Road. The bottom elevation is what you would see from Pump Road. Obviously, the finishes give an appearance of a finished village.

The proposed development is consistent with the proffers of Zoning Case C-27C-06. That zoning case requires a tower feature, which is evident here, to provide a strong focal point at the intersection of Church and Pump Roads. It requires site furnishings to enhance pedestrian activity and enhanced landscape buffers to screen this development from the adjoining major thoroughfares.

This POD has been deferred over an extended period of time to permit the developer and the County Administration to resolve issues regarding the development of John Rolfe Parkway. The conditions on the agenda, as revised by the addendum, reflect the current agreement between the developer and the County.

Staff is now able to recommend approval of the POD subject to the revised annotations on the plans, standard conditions for developments of this type, additional conditions 29 thru 55 on the agenda, with conditions 9 &11 amended, conditions 20 and 27 revised as shown on the addendum, and condition 38 deleted, as shown on the addendum.

Representatives of the developer are present, and both they and staff are available to answer any questions the Commission may have.

Mrs. Jones - All right. Do we have any questions for Mr. Kennedy from the Commission? Mr. Kennedy, you've done a very nice job presenting this project, and I know it's something that you've worked with for many, many months. I think it shows. Thank you very much.

All right. I would like to call the applicant forward, if I could, please.

Mr. Theobald - Good morning, Madam Chair, members of the Commission. I'm Jim Theobald, here on behalf of Rebkee.

Mrs. Jones - Good morning.

Mr. Theobald - Good morning. I might just say that we've been working on this for about three years including zoning. The zoning was approved some two years ago, and we've been working on issues related to the construction of John Rolfe Parkway and the impact on this intersection for some time. All of that was anticipated, which generated the Special Strategy Area Plan and the specific design guidelines that accompany it. Our zoning was pegged assiduously to meet those guidelines after working with Mrs. O'Bannon, Mrs. Jones, Mr. Emerson, and Jean Moore.

The time between the approval of zoning two years ago and now has really been taken up in trying to figure out what physically happens in terms of John Rolfe Parkway and the relocated roads. As you see in this diagram, along this access—this is the current right-of-way line for Pump Road, and obviously, there are cars on it as we speak. It is a part of the development as it was anticipated to be based on that small area plan. What we've been working with the County on is the timing of these improvements. It doesn't really make sense for one of us to go ahead of the other but rather to coordinate these improvements. This plan represents an attempt to phase so that we can begin site work and some construction with the buildings outside of the shaded area. Once the road alignment has been shifted, our discussions with the County have been whatever is determined the value of the take to be on John Rolfe Parkway will be the same amount that we will pay the County for this strip in here.

I really appreciate Mr. Kennedy working diligently with us. I also appreciate Mr. Silber and Mr. Pinkerton, and Mrs. Jones, you and Tom Tokarz, who allowed some of these conditions to be lovingly lawyered. Some of the standard conditions just don't fit this particular instance, so I really do appreciate the flexibility all have shown in getting to this point.

I'd be happy to answer any questions that you might have.

Mr. Branin - Mr. Theobald, when I ask this question, you're probably going to raise an eyebrow, but then you'll understand why I'm asking this question. What kind of timeline are they looking at breaking ground and starting on this project?

Mr. Theobald - I think that it's going to be a while before we're able to get in and start to do some site work. One of the conditions is Phase 1 of the road has to be open before we get a CO, so I think we're likely to start within maybe the next six to nine months. Does that sound right, or am I wrong? Yes, okay. So, the idea would be to begin site work and coordinate the curb and grades with the County road projects in this area. Phase 2 would follow once Phase 2 of John Rolfe would be in.

Mr. Branin - Right. The reason why I ask this question, and I caution the rest of my fellow Commissions, is because I have in my district now two projects that have begun. They have taken all the trees down; they have moved dirt and then pulled the plug on the project. One is on Twin Hickory Road, which is Ukrop's, and one is in a slightly tucked-away area called Broad Street. So, the reason why I was asking that question, Mr. Theobald, is I would hate to see the people in this area—because a lot of the people that I represent are right on the other side of the street—

Mr. Theobald - Sure.

Mr. Branin - —be impacted yet again by a project that starts, that we approve, that we're told is going to get going. They come in, and they take out all of the woods and trees, create a nice brown dirt spot, and then say, well, we're going to stop for a while.

Mr. Theobald - Well, as you aware of the specific circumstances which caused the Broad Street scenario—

Mr. Branin - I am.

Mr. Theobald - —that's not exactly tear-down-trees-and-abandon. It's on a little bit of a delay while we work out some other issues. My sense is that it makes little sense once you have these things approved to take down trees if you're not ready to move forward. I'm not sure what happened on the Ukrop's site, other than the economy, I suppose. My sense is on this one that dollars would not be spent until buildings are ready to come out of the ground. At this point, we haven't really been able to talk to tenants when we didn't know when we could deliver a pad, because we didn't have POD approval. This will unlock our ability to have those discussions and coordinate with the County as to completion dates for these roads so that we're not bringing buildings out of the ground that we can't get to, for one. On the theory of not spending dollars ahead of dollars, I hope that it would not occur.

Mr. Branin - Me too, because Mrs. Jones will call me otherwise.

Mrs. Jones - You can bet on it.

Mr. Theobald - The County will be clearing this area for the road and the BMP in here. So, that project is scheduled, and we'll be underway.

1105 Mr. Branin - I don't have any other questions.
1106
1107 Mrs. Jones - Any other questions for Mr. Theobald? Mr. Kennedy, were
1108 you going to add something on that note?
1109
1110 Mr. Kennedy - I was just going to indicate that the BMP is going to be
1111 shared by the County. That construction work is going to be shared by the developer
1112 and the County so that grading and clearing will be done. At this intersection here,
1113 there's a 13-foot cut, so there will be some tieback anyway onto the property. There will
1114 be significant grading done in conjunction with the project.
1115
1116 Mrs. Jones - Any other questions? Thank you, Mr. Theobald. I have no
1117 more questions at this time. We certainly have talked about this. The rezoning case for
1118 this case was a very lengthy process, and I think it set a tone for what is here before us
1119 today. I do have a few things I'd just like to say because this project has been near and
1120 dear to our hearts for low these many years since it first came across the Planning
1121 Department. I'm really happy to have the Shire's master plan and the plan of
1122 development in front of us today. It has taken a little while to work out, but it is a project
1123 that I feel has been somewhat defined by a perfect storm of situations.
1124
1125 The opportunity that was there at this intersection certainly was a big element of how
1126 the project moved forward. This is part of our Pump and Church Special Strategy Area.
1127 As such, there are clear visions in place, which the applicant worked very hard to meet,
1128 that were related to the site design of the project—the uses of the project, everything
1129 from architectural elements to furnishings to very clear connectivity and pedestrian
1130 access. It was a very defined vision for this particular Special Strategy Area. To that
1131 end, I really feel that the rezoning case created a project that would be very successful
1132 in meeting and exceeding those special strategy needs. So, that opportunity was there
1133 for The Shire, and there was a commitment. Even though we and the applicant and Mr.
1134 Theobald have had lots of interesting discussions about the details, I think the
1135 commitment was always there to a very high level of quality. A high level of quality at
1136 this intersection was essential. The length and breadth of the project demanded it. I
1137 think it will be, in the final analysis, a complement to the residential community that
1138 exists there currently. I think the retail/commercial/residential together in this, which is
1139 defined as a village atmosphere through the Special Strategy Area, is an important
1140 element to this case. I think it will offer much to the area. This commitment to quality
1141 has remained consistent, even with the challenges of the economic times in which we
1142 find ourselves.
1143
1144 I do think that the timing is probably the third element of this perfect storm that has
1145 made this case what it is. Timing is everything at certain points, and in this case, it has
1146 certainly set the tone for the length of time it has taken to get to a POD presentation.
1147 Also, it's really a project that's working hand and glove with infrastructure development.
1148 That has been necessitated by a number of factors, but the fact that it is, really is a
1149 complement to both, that the County and the applicant have agreed to bring this
1150 forward. I think a lot of citizens have questioned why development comes before

infrastructure is there to handle it, and these issues come forward a lot. I think this may be a case where this will move forward together in a good partnership. So, the timing of this, the development phasing, will be a result of that particular timing element. I think that also will enable this to move forward in a reasonable progression for all.

So, my take on the master plan and POD in front of us is that it has been well-crafted. It will serve this area well, and it will be a representative for this gateway intersection, the Pump and Church area, that will be a nice addition for the project, as well as for folks who live in the area. I'm happy it's in my district, and I'm happy we're here today to consider it.

Mr. Vanarsdall - What is the completion date?

Mrs. Jones - The completion date.

Mr. Vanarsdall - Just an estimate.

Mrs. Jones - I have no crystal ball, but I'm going to ask Mr. Theobald to put his estimate on this.

Mr. Vanarsdall - He's smiling.

Mr. Theobald - Well, the idea would be to have Phase 1 up and ready to open in conjunction with the opening of the roadway so that all access could be coordinated. Ultimate build-out, again, there's a condition that we can't get CO's for our Phase 2 until John Rolfe Phase 2 is open. So, it's really all tied to completion of the road.

Mrs. Jones - You didn't give a completion date, Mr. Theobald.

Mr. Theobald - Well, that would be up to the County. We're following the County. If you build the road faster, we'll be there.

Mr. Branin - The road is supposed to be completed in, when, 2012?

Mrs. Jones - Twelve.

Mr. Vanarsdall - Thank you.

Mrs. Jones - I think we all realize that, obviously, this will progress as well as it can, given all of the pressures of the coordination of effort.

I certainly wanted to not move forward before I added another round of thanks to Mike Kennedy. He has been working on this case for an awfully long time. It was a very complicated situation, and he's been very patient with all of the questions that I've

asked. I wanted to thank him first and foremost for his patience, but second for his professionalism.

All right. If there are no other questions, I would like to move forward for a motion. All right. I would like to move that the plan of development and master plan POD-68-07, The Shire @ Pump and Church, be approved. I recommend approval subject to the revised annotations on the plans; the standard conditions for developments of this type; the additional conditions #29 through #53 on the agenda, with #9 and #11 amended; conditions #20 and #27 revised, as shown on the addendum; and condition #38 deleted, as is shown on the addendum.

Mr. Branin - Second

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

The Planning Commission approved POD-68-07, The Shire @ Pump and Church, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture and specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.
20. **REVISED** - 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~~ **shall** be transferred to subsequent owner(s) subject to approval by this Commission, **provided that the conditions of the POD are in compliance or adequate surety or cure periods provided as approved by the Director of Planning to remedy any deficiencies**.
27. **REVISED** - The easements for drainage and utilities as shown on approved plans **other than those related in whole or in part to the extension of John Rolfe Parkway** 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.
29. Only retail business establishments permitted in a B-2 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).

32. Prior to the issuance of a certificate of occupancy for The Shire-Phase 1, the John Rolfe Parkway Project - Phase 1 shall be open to public use.

33. Prior to the issuance of a certificate of occupancy for any future phase of The Shire, the John Rolfe Parkway Project - Phase 2 shall be open to public use.

34. Right-of-way and easements as determined necessary by the Traffic Engineer to provide right turn lanes to and from the property consistent with the phase of development along Church Road, and John Rolfe Parkway where they abut the property including the offsite turn lane along Church Road, shall be dedicated to the County prior to the approval of construction plans. All documents required for the dedication of such right-of-way and easements shall be fully executed and submitted to the Real Property Department at least sixty (60) days prior to construction plan approval.

35. The required building setback shall be measured from the proposed right-of-way line and the parking shall be located behind the proposed right-of-way line.

36. The proffers approved as a part of zoning case C-27C-06 shall be incorporated in this approval.

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

38. **DELETED** - ~~Stormwater retention shall be incorporated into the drainage plans~~.

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

40. The conceptual master plan, as submitted with this application, is for planning and information purposes only. All subsequent detailed plans of development and construction plans needed to implement this conceptual plan may be administratively reviewed and approved and shall be subject to all regulations in effect at the time such subsequent plans are submitted for review/approval.

41. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be painted to match the building and shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.

42. Except for junction boxes, meters, and existing overhead and/or relocated utility lines, and for technical or environmental reasons, all utility lines shall be underground.

43. The property necessary to provide a right turn lane on Church Road into the property shall be acquired by the developer prior to the approval of final construction plans.

44. The developer shall obtain vacation or abandonment of existing right-of-way necessary to fully develop the property in accordance with the proffered site plan consistent with the phasing of the development including both Glen Eagles Drive and Pump Road prior to the approval of final construction plans.

45. A construction plan for right turn lanes to and from the property, consistent with the phase of development, shall be approved by the Department of Public Works and the Department of Planning prior to the approval of final construction plans.

The Developer shall coordinate construction plan design of required turn lanes to be consistent with and not conflict with the County's design plans for the abutting roads. The plan shall include sidewalks and curb and gutter and any necessary drainage improvements required to construct the proposed improvements. Such improvements, consistent with the phase of development, shall be constructed by the developer prior to the issuance of a Certificate of Occupancy.

46. The tower element at the corner of Pump and Church Roads shall be constructed with any second phase in accordance with the proffered design plans, as determined by the Director of Planning. Final architectural plans shall be submitted for review and approval by the Director of Planning prior to approval of final construction plans.

47. Building 6 shall be constructed in accordance with the proffered design plans as determined by the Director of Planning. Final architectural plans shall be submitted for review and approval by the Director of Planning prior to approval of a building permit for that building.

48. A construction staging plan which includes details for traffic control, fire protection, stockpile locations, construction fencing and hours of construction shall be submitted for County review prior to the approval of any final construction plans.

49. A revised pedestrian access plan in accordance with the proffered design shall be submitted for review and approval by the Director of Planning prior to approval of final construction plans.

50. Private streets proposed to provide access to the future residential development shall be designed in accordance with 24-30.2(a) multi-family development standards.

51. A tree protection plan for any future development area shall be submitted for review and approval by the Director of Planning prior to approval of final construction plans.

52. All underground utilities serving the property including: storm sewer, sanitary sewer, water, gas, electric, telephone and cable, as well as related appurtenances shall be located to accommodate the landscaping in the buffers shown on the approved conceptual plan, in particular behind Buildings 1 and 2, unless otherwise approved by the Director of Planning.

53. A comprehensive signage plan must be submitted for coordinated review prior to issuance of sign permits.

Mr. Emerson - Madam Chair, that completes your public hearing items for this morning. The next item on your agenda is a discussion item. It's a request to set a work session prior to your March 12, 2009 regular meeting to discuss the 2026 Comprehensive Plan and the results from the public hearing that you held. As you know, I think we have all of you scheduled for meetings over the next week and a half or so to discuss the particulars in your district that came up as well as some of the overall comments. Once we complete those, of course, we do need to bring the Commission back together to discuss those in a work session. I am requesting that you schedule a work session at 6 p.m. on March 12, 2009, to discuss the outcome of that public hearing and your discussions in the next week and a half or so.

Mr. Vanarsdall - Are we upstairs in the Manger's Conference Room?

Mr. Emerson - No, sir. I really had planned we'd probably hold it in this room because there will be members of the public who will want to attend.

Mr. Vanarsdall - Oh, okay. If you need a motion, I move that we have this work session on March 12, 2009, at 6 p.m.

Mr. Jernigan - Second.

Mrs. Jones - All right. Motion by Mr. Vanarsdall, seconded by Mr. Jernigan to set a work session at 6 p.m. on March 12, 2009, to discuss the Draft 2026 Comprehensive Plan. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

Mr. Emerson - Madam Chair, the next item would be approval of the minutes for the January 28, 2009 meeting.

APPROVAL OF MINUTES: January 28, 2009

Mrs. Jones - Do we have corrections or additions to the minutes of January 28, 2009? Hearing none, do I have a motion that they be approved?

Mr. Vanarsdall - I move that the minutes be approved as stated or read or printed.

Mr. Jernigan - Second.

Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion passes. The minutes are approved.

The Planning Commission approved the January 28, 2009 minutes.

Mrs. Jones - I'll entertain a motion for adjournment, if there is no more business to come before the Commission.

Mr. Vanarsdall - I wanted to tell the staff that I intended to invite all of you to Noodles for lunch, but they're not that far with the building, so I have to renege on that.

Mrs. Jones - Thank you for that, Mr. Vanarsdall.

Mr. Branin - I move for adjournment.

Mrs. Jones - Motion for adjournment.

Mr. Jernigan - Second.

Mrs. Jones - Second. Meeting adjourned.

The meeting is adjourned.

Bonnie-Leigh Jones, Chairperson

R. Joseph Emerson, Jr., Secretary

PLANS OF DEVELOPMENT

A. Standard Conditions for all POD's:

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**

1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**

1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**

2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least **48** hours prior to the start of any County water or sewer construction.

3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.

4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.

5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.

6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.

7. The plan of development plan shall be revised as annotated on the staff plan dated **February 25, 2009**, which shall be as much a part of this approval as if details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised January 2008)**

8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.

9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
10. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced no later than the next planting season.
11. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and approval.

11A. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.

11B. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting heights details shall be revised as annotated on the staff plan and included with the construction plans for final signature. **(For POD which includes lighting plan approval)**

12. All exterior lighting shall be designed and arranged to direct the light and glare away from nearby residential property and streets.
13. The site, including the parking areas, shall be kept clean of litter and debris on a daily basis. Trash container units/litter receptacles and recycling containers shall be maintained with regular pickups scheduled and shall be screened properly on all four sides. The gate(s) shall remain closed except when the receptacle(s) are being filled or serviced and shall be repaired or replaced as necessary. Details shall be included with the final site plan or required landscape plan for review and approval.
14. Required fire lanes shall be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.
15. Traffic control signs shall be provided as indicated on the Department of Planning Staff plan. All signs shall be fabricated as shown in The National Manual on Uniform Traffic Control Devices for Streets and Highways and The Virginia Supplement to The Manual on Uniform Traffic Control Devices for Streets and Highways.
16. The assigned property number(s) shall be displayed so it is easily readable from the street. If assistance is needed with the address, please contact the Department of Planning at 501-4284. The Planning Department must assign all property addresses. **(Revised January 2008)**
17. The owner shall have a set of plans approved by the Director of Public Works, Public Utilities and Secretary of the Planning Commission available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
18. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.

19. Upon completion of the improvements and prior to the certification of the permanent occupancy permit, the owner shall furnish a statement by the engineer or land surveyor who prepared the POD plan, to the effect that all construction including water and sewer is in conformance to the regulations and requirements of the POD.
20. The approved Plan of Development is granted by the Planning Commission only to the owners(s)/applicant(s) listed on the Plan of Development application on file for this project. Upon written notification to the Director of Planning, the Plan of Development approval may be transferred to subsequent owner(s) subject to approval by this Commission **(Revised July 2007).**
21. Vehicles shall be parked only in approved and constructed parking spaces.
22. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
23. The site, including paving, pavement markings, signage, curb and gutter, dumpster screens, walls, fences, lighting and other site improvements shall be properly maintained in good condition at all times. Any necessary repairs shall be made in a timely manner.
24. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
25. Insurance Services Office (ISO) calculations shall be included on the final construction plans for approval by the Department of Public Utilities prior to issuance of a building permit.
26. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
27. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
28. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
29. **(Start of miscellaneous conditions)**

STANDARD CONDITIONS FOR LANDSCAPE /LIGHTING/FENCE PLANS

1. The plan shall be revised as shown in red on Staff plan dated **February 25, 2009,** which shall be as much a part of this approval as if all details were fully described herein. **Five (5)** sets of **prints** of the revised plan shall be submitted to the Department of Planning for approval stamps and distribution.
2. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.
3. The owner shall have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
4. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season. **(DELETE IF NO LANDSCAPING)**
5. All exterior lighting shall be shielded to direct lights away from adjacent residential property and streets. **(DELETE IF NO LIGHTING)**
6. All fences, walls, and screens, including gates and doors, shall be maintained in good repair by the owner. Trash and debris should not be allowed to accumulate along the fence or wall. **(DELETE IF NO FENCE, WALL, OR DUMPSTER SCREEN)**

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

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

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

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

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

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

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

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

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

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

SUBDIVISION - CONDITIONAL APPROVAL

Standard Conditions for Conventional Subdivisions Served By Public Utilities Public Water and/or Sewer (January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water. **(Substitute condition 5A if well)**

5A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.

6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer. **(Substitute condition 6A if on site sewage disposal/septic)**

6A. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.

7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **February 25, 2009,** which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on **February 24, 2010,** unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements as applicable, and design considerations.
12. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

Standard Conditions for Conventional Subdivisions Not Served By Public Utilities
(January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage and erosion control plans have been approved by the Department of Planning, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, fifteen (15) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. A detailed soil analysis shall be performed and other requirements of the Health Department met before final plats are recorded. The developer shall have the center lines of all streets and lot corners staked to facilitate the examination of lots by the Health Department Sanitarians prior to filing for final approval and shall notify the Department of Planning and Health Department in writing when the staking has been done.
6. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
7. The plat shall be revised as shown in red on Staff plan dated **February 25, 2009**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **February 24, 2010**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the fee and must be filed a minimum of two weeks prior to the expiration date.
9. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
10. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting a number of requirements including but not limited to minimum zoning requirements, Health Department requirements and design considerations.

11. Prior to a request for final approval, the developer shall provide a buildable area plan showing information for all lots within the subdivision. Such plan shall be a part of the construction plans submitted for review and for signature. The buildable area plan shall be a minimum of 1" to 50' scale or larger and shall show the buildable area for the principal structure, all setback dimensions, the minimum lot width (perpendicular to the center line of the lot at the front building line), and if applicable, any Special Flood Hazard Areas (floodplains) and the area of each lot exclusive of floodplain, wetlands, easements, buffers, Chesapeake Bay Act Areas, wells and primary/reserved drainfields.

Standard Conditions for Residential Townhouse for Sale (RTH) Subdivisions
(January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **February 25, 2009,** which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **February 24, 2010**, unless an extension is requested in writing stating the reason such extension is necessary. The request shall include the required fee and must be filed a minimum of two weeks prior to the expiration date.
10. The name of this development, as designated in this approval, shall be the name used for marketing and public recognition purposes. A written request for a name change must be received and granted by the Department of Planning before such a change can be implemented.
11. The conditional approval of this plat by the Planning Commission does not imply that all lots shown thereon will be granted final approval. Such approval is contingent on each lot meeting all requirements, including but not limited to, minimum zoning requirements, and design considerations.

12. A draft of the Declaration of Covenants, Conditions and Restrictions shall be submitted to the Department of Planning for review, prior to final approval. The proposed Homeowners Association for the project shall be responsible for the exterior maintenance of all buildings and grounds.
13. All block corners shall be monumented and referenced, where possible, to the exterior boundaries of the site
14. The record plat shall contain a statement that the common area is dedicated to the common use and enjoyment of the homeowners of **(name of subdivision)** and is not dedicated for use by the general public. This statement shall refer to the applicable article in the covenants recorded with the plat.

Standard Conditions for Zero Lot Line Subdivisions
(January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Plan of Development and Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Plan of Development and Final Subdivision applications. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works, and a preconstruction meeting has been conducted with the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **February 25, 2009,** which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **February 24, 2010**, 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.

SUBDIVISION - CONDITIONAL APPROVAL

Standard Conditions for Conventional Subdivisions Served By Public Utilities Road Dedication (No Lots) (January 2008)

1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director of Planning has granted final approval of the plat; and until the construction plans including the detailed drainage, erosion control, and utility plans have been approved by the Department of Planning, the Department of Public Utilities, and the Department of Public Works and a preconstruction meeting has been held with the Department of Public Works. Plans for Final Subdivision review shall be submitted to the Department of Planning in accordance with the requirements of the Final Subdivision application. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final construction plans for signature shall be submitted to the Department of Planning for approval signatures. All erosion and sediment control plans, agreements, and bonds must be submitted to the Department of Public Works and approved prior to approval of the construction plans.
4. Clearing and grubbing shall not commence until a clearing and grubbing plan has been approved by the Department of Planning and the Department of Public Works. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, eight (8) sets of clearing and grubbing plans shall be submitted to the Department of Planning for approval signatures. All appropriate bonds and agreements, authorizations from state and/or regulatory agencies for impacts to the Waters of the United States, and offsite easement plats must be submitted to the Department of Public Works and approved prior to approval of the clearing and grubbing plans. Approvals must be updated prior to recordation of the plat.
5. The owner shall enter into the necessary contracts with the Department of Public Utilities for water.
6. The owner shall enter into the necessary contracts with the Department of Public Utilities for sewer.
7. A copy of the letter from the Richmond Regional Planning District Commission giving approval to the street names in this subdivision shall be submitted to the Department of Planning before the recordation plat is submitted for review.
8. The plat shall be revised as shown in red on Staff plan dated **February 25, 2009,** which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **February 24, 2010,** 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.