

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County  
2 held in the County Administration Building in the Government Center at Parham and  
3 Hungary Spring Roads beginning at 9:00 a.m. Wednesday, January 22, 2014.  
4

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

Member Absent: Mr. Tommy Branin, (Three Chopt)

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning  
Ms. Leslie A. News, PLA, Principal Planner  
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner  
Mr. Michael F. Kennedy, County Planner  
Ms. Christina L. Goggin, AICP, County Planner  
Mr. Tony Greulich, C.P.C., County Planner  
Mr. Matt Ward, County Planner  
Mr. Gregory Garrison, AICP, County Planner  
Mr. Lee Pambid, C.P.C., County Planner  
Ms. Aimee B. Crady, AICP, County Planner  
Mr. Jeff Perry, Engineering and Environmental Services Manager  
Ms. Sharon Smidler, Traffic Engineering  
Mr. Eric Dykstra, Office Assistant/Recording Secretary  
Ms. Logan Hamilton, Planning Intern

5  
6 **Mr. David Kaechele, the Board of Supervisors' representative, abstains on all**  
7 **cases unless otherwise noted.**

8  
9 Mr. Leabough - This is our Plans of Development and Subdivisions meeting,  
10 so welcome. I ask as a courtesy to those in the room that you please silence or mute  
11 your cell phones. After you do that, please stand with me for the Pledge of Allegiance.

12  
13 We have one member of the Commission that's absent, Mr. Branin from the Three Chopt  
14 District. All other members are present. I'd also like to welcome Mr. Kaechele who's the  
15 Board of Supervisors' representative that's sitting with us this year. Thank you,  
16 Mr. Kaechele.

17  
18 Mr. Kaechele - Okay, thank you, Mr. Chairman. I'm pleased to be here  
19 representing the Board of Supervisors for this calendar year. I think it's been five years  
20 maybe since I've served here, so a few new faces, perhaps. I would just like to say that I  
21 appreciate and respect the Planning Commission and what you do and with our staff,

22 working with our citizens and developers. It's a big, big, big assist to the Board of  
23 Supervisors and to others, so thank you. I'm pleased to be here.

24  
25 Mr. Leabough - Thank you, Mr. Kaechele. I now turn the meeting over to our  
26 secretary, Mr. Emerson.

27  
28 Mr. Emerson - Thank you, Mr. Chairman. The first item on your agenda this  
29 morning are the requests for deferrals and withdrawals. Those will be presented by Ms.  
30 Leslie News.

31  
32 Ms. News - Good morning, members of the Commission, Mr. Chairman.  
33 We have one request for deferral on our agenda this morning. It is on page 10 of your  
34 agenda and is located in the Brookland District. This is SUB2013-00131, Dumbarton  
35 (September 2013 Plan). The withdrawal has been requested by the applicant.

36  
37 *(Deferred from the November 20, 2013 Meeting)*  
38 **SUBDIVISION - DOUBLE FRONTAGE EXCEPTION**

39  
SUB2013-00131 **Balzer and Associates, Inc. for Village Bank:** The  
Dumbarton 3.07-acre site proposed for a subdivision of 4 single-  
(September 2013 Plan) - family homes is located on the north line of Greenway  
3030 Greenway Avenue Avenue, and the south line of Irisdale Avenue,  
approximately 195 feet east of Greendale Road, on  
parcels 775-745-9842, 776-745-1246, 775-745-8761,  
775-745-9463, 776-745-0165, and 776-745-0968. The  
zoning is R-4, One-Family Residential District. County  
water and sewer. **(Brookland) 4 Lots**

40  
41 Mr. Leabough - Is there anyone here in objection to the withdrawal of  
42 SUB2013-00131 Dumbarton (September 2013 Plan)? There is no opposition.

43  
44 Mr. Emerson - You need action on this, correct.

45  
46 Mr. Witte - Mr. Chairman, I move we approve the withdrawal of  
47 SUB2013-00131 Dumbarton (September 2013 Plan).

48  
49 Mrs. Jones - Second.

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

53  
54 At the request of the applicant, the Planning Commission withdrew SUB2013-00131  
55 Dumbarton (September 2013 Plan), from further consideration by the Commission.

56  
57 Ms. News - Staff is not aware of any further requests by the Commission.

58



97 **TRANSFER OF APPROVAL**

98  
POD-58-06 (Part)  
POD2013-00056  
The Shops at White Oak  
Village – JC Penney -  
4541 S. Laburnum Avenue

**Forest City for Cole MT Richmond VA, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Laburnum Investment, LLC and Forest City Commercial Group, Inc. to Cole MT Richmond VA, LLC. The 8.60-acre site is located in an existing shopping center, on the east side of S. Laburnum Avenue, south of Interstate 64, and north of Audubon Drive, on parcel 815-718-5790. The zoning is B-3C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

99  
100 Mr. Leabough - Is there anyone here in opposition to the transfer of approval  
101 for POD-58-06 (Part) (POD2013-00056), The Shops at White Oak Village – JC Penney?  
102 There is no opposition. I move for the approval of the transfer of approval for POD-58-06  
103 (Part) (POD2013-00056), The Shops at White Oak Village – JC Penney.

104  
105 Mr. Witte - Second.

106  
107 Mr. Leabough - Motion by Mr. Leabough, second by Mr. Witte. All in favor say  
108 aye. All opposed say no. The ayes have it; the motion passes.

109  
110 The Planning Commission approved the transfer of approval request for POD-58-06  
111 (Part) (POD2013-00056), The Shops at White Oak Village – JC Penney, from Laburnum  
112 Investment, LLC and Forest City Commercial Group, Inc. to Cole MT Richmond VA,  
113 LLC, subject to the standard and added conditions previously approved.

114  
115 Ms. News - Next on page six of your agenda and located in the Varina  
116 District is a transfer of approval for POD-12-08, Chick-Fil-A at The Shops at White Oak  
117 Village. Staff recommends approval.

118  
119 **TRANSFER OF APPROVAL**

120  
POD-12-08  
POD2013-00051  
Chick-Fil-A at The Shops  
at White Oak Village -  
4443 S. Laburnum Avenue

**Forest City for Cole MT Richmond VA, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Laburnum Investment, LLC Forest City Commercial Group, and Chick-Fil-A, Inc. to Cole MT Richmond VA LLC and Chick-Fil-A, Inc. The 1.19-acre site is located in an existing shopping center on the east line of S. Laburnum Avenue, approximately 2,100 feet north of Audubon Drive, on parcel 814-717-7468. The zoning is B-3C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

121

122 Mr. Leabough - Is there anyone here in objection the transfer of approval  
123 request for POD-12-08 (POD2013-00051), Chick-Fil-A at The Shops at White Oak  
124 Village? There is no opposition. I move for the approval of the transfer request for POD-  
125 12-08 (POD2013-00051), Chick-Fil-A at The Shops at White Oak Village.  
126

127 Mr. Archer - Second.  
128

129 Mr. Leabough - Motion by Mr. Leabough, second by Mr. Archer. All in favor  
130 say aye. All opposed say no. The ayes have it; the motion passes.  
131

132 The Planning Commission approved the transfer of approval request for POD-12-08  
133 (POD2013-00051), Chick-Fil-A at The Shops at White Oak Village, from Laburnum  
134 Investment, LLC Forest City Commercial Group, and Chick-Fil-A, Inc. to Cole MT  
135 Richmond VA LLC and Chick-Fil-A, Inc. subject to the standard and added conditions  
136 previously approved.  
137

138 Ms. News - On page seven of your agenda and located in the Varina  
139 District is a transfer of approval for POD-27-08, McDonald's at The Shops at White Oak  
140 Village. Staff recommends approval.  
141

#### 142 **TRANSFER OF APPROVAL** 143

144 145 146 147 148 149 150 151	<b>POD-27-08</b> <b>POD2013-00052</b> <b>McDonald's at The Shops</b> <b>at White Oak Village -</b> <b>4423 S. Laburnum Avenue</b>	<b>Forest City for Cole MT Richmond VA, LLC:</b> Request for transfer of approval as required by Chapter 24, Section 24-106 of the Henrico County Code from Laburnum Investment, LLC, Laburnum Associates, LLC, and McDonalds USA, LLC to Cole MT Richmond VA, LLC and McDonalds USA, LLC. The 0.99-acre site is located in an existing shopping center on the east line of S. Laburnum Avenue, approximately 1,400 feet north of Audubon Drive, on parcel 814-718-3415. The zoning is B-3C, Business District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. <b>(Varina)</b>
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144  
145 Mr. Leabough - Is there anyone here in opposition to the transfer request for  
146 POD-27-08 (POD2013-00052), McDonald's at The Shops at White Oak Village? There  
147 being no opposition, I move for approval of the transfer request for POD-27-08  
148 (POD2013-00052), McDonald's at The Shops at White Oak Village.  
149

150 Mrs. Jones - Second.  
151

152 Mr. Leabough - Motion by Mr. Leabough, second by Mrs. Jones. All in favor  
153 say aye. All opposed say no. The ayes have it; the motion passes.  
154

155 The Planning Commission approved the transfer of approval request for POD-27-08  
5 (POD2013-00052), McDonald's at The Shops at White Oak Village, from Laburnum

157 Investment, LLC, Laburnum Associates, LLC, and McDonalds USA, LLC to Cole MT  
158 Richmond VA, LLC and McDonalds USA, LLC, subject to the standard and added  
159 conditions previously approved.

160

161 Ms. News - The final item is on page twenty-six of your agenda and is  
162 located in the Varina District. This is a plan of development for POD2013-00388, Pioneer  
163 Baptist Church Addition. Staff recommends approval.

164

165 **PLAN OF DEVELOPMENT**

166

POD2013-00388 Pioneer Baptist Church Addition - 3122 & 3140 Darbytown Road	<b>Silvercore for Pioneer Baptist Church:</b> Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, for construction of a two-story, 7,500-square-foot multi-purpose addition to an existing sanctuary. The 3.3-acre site is located on the northeast corner of the intersection of Darbytown Road and Monahan Road, on parcels 821-697-5146 and 821-697-3654. The zoning is A-1, Agricultural District, and ASO, Airport Safety Overlay District. County water and sewer. <b>(Varina)</b>
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167

168 Mr. Leabough - Is there anyone here in opposition to plan of development for  
169 POD2013-00388, Pioneer Baptist Church Addition? There is no opposition. Any  
170 members of the Commission have any questions? There being no questions, I move for  
171 the approval of the plan of development for POD2013-00388, Pioneer Baptist Church  
172 Addition, subject to standard conditions for developments of this type, annotations on the  
173 plans, and the additional conditions as noted in the agenda, #29, #30, and #31.

174

175 Mrs. Jones - Second.

176

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

179

180 The Planning Commission approved POD2013-00388, Pioneer Baptist Church Addition,  
181 subject to the annotations on the plans, the standard conditions attached to these  
182 minutes for developments of this type, and the following additional conditions:

183

184 29. The right-of-way for widening of Monahan Road as shown on approved plans  
185 shall be dedicated to the County prior to any occupancy permits being issued. The  
186 right-of-way dedication plat and any other required information shall be submitted  
187 to the County Real Property Agent at least sixty (60) days prior to requesting  
188 occupancy permits.

189 30. The location of all existing and proposed utility and mechanical equipment  
190 (including HVAC units, electric meters, junctions and accessory boxes,  
191 transformers, and generators) shall be identified on the landscape plan. All  
192 building mounted equipment shall be painted to match the building, and all

193 equipment shall be screened by such measures as determined appropriate by the  
194 Director of Planning or the Planning Commission at the time of plan approval.  
195 31. Except for junction boxes, meters, and existing overhead utility lines, and for  
196 technical or environmental reasons, all utility lines shall be underground.

197  
198 Ms. News - That completes our expedited agenda.

199  
200 Mr. Emerson - Mr. Chairman, that now takes us to Subdivision Extensions of  
201 Conditional approval, and there are none this morning. So we now move to page three of  
202 your regular agenda.

203 **TRANSFER OF APPROVAL**

204 **POD-14-84 Scott Eucker for National Retail Properties, LP:**  
205 **POD2013-00300** Request for transfer of approval as required by Chapter  
KFC (Formerly Kentucky 24, Section 24-106 of the Henrico County Code from  
Fried Chicken) - 9000 W. Kentucky Fried Chicken National Management Company  
Broad Street (U.S. Route to National Retail Properties, LP. The 0.84-acre site is  
250) located at the northwest corner of the intersection of W.  
Broad Street (U.S. Route 250) and West End Drive, on  
parcel 758-756-8843. The zoning B-2, Business District.  
County water and sewer. **(Brookland)**

206  
207 Mr. Leabough - Good morning, Ms. Crady, how are you?

208  
209 Ms. Crady - Good morning.

210  
211 Mr. Leabough - Is there anyone in opposition to the transfer request for POD-  
212 14-84 (POD2013-00300) KFC (Formerly Kentucky Fried Chicken)? There is no  
213 opposition. Ms. Crady?

214  
215 Ms. Crady - Good morning. The site deficiencies which included missing  
216 landscaping and some leftover construction debris from a recent façade renovation have  
217 been corrected. The new tree has been planted, and the construction debris is gone. The  
218 new owner accepts and agrees to be responsible for the continued compliance with the  
219 conditions of the original approval. Staff recommends approval of this transfer request.

220  
221 Mr. Witte - Have all conditions been met?

222  
223 Ms. Crady - Yes.

224  
225 Mr. Witte - Thank you.

226  
227 Mr. Leabough - Questions from other members of the Commission? No  
228 questions.

229 )

230 Mr. Witte - Mr. Chairman, I move for approval of transfer of approval for  
231 POD-14-84 (POD2013-00300) KFC (Formerly Kentucky Fried Chicken).

232  
233 Mrs. Jones - Second.

234  
235 Mr. Leabough - Motion by Mr. Witte, second by Mrs. Jones. All in favor say  
236 aye. All opposed say no. The ayes have it; the motion passes.

237  
238 The Planning Commission approved the transfer of approval request for POD-14-84  
239 (POD2013-00300) KFC (Formerly Kentucky Fried Chicken), from Kentucky Fried  
240 Chicken National Management Company to National Retail Properties, LP, subject to the  
241 standard and added conditions previously approved.

242  
243 **LANDSCAPE AND LIGHTING PLAN**

244  
POD2013-00363; **Higgins and Gerstenmaier Landscape Architects for**  
POD2013-00364 **5215 W. Broad Street, LLC:** Request for approval of a  
Faison Residences landscape and lighting plan, as required by Chapter 24,  
Revised - 5215 W. Broad Sections 24-106 and 24-106.2 of the Henrico County  
Street (U.S. Route 250) Code. The 2.31-acre site is located on the south line of W.  
Broad Street (U.S. Route 250), the east line of Byrd  
Avenue, and the north line Markel Road, approximately  
800 feet west of Willow Lawn Drive, on parcel 772-738-  
8719. The zoning is R-6C, General Residential District  
(Conditional). County water and sewer. **(Brookland)**

245  
246 Mr. Leabough - Is there anyone here in opposition to the landscape and  
247 lighting plan for POD2013-00363 and POD2013-00364, Faison Residences Revised?  
248 There is no opposition. Mr. Pambid?

249  
250 Mr. Pambid - Good morning. This lighting and landscaping plan is pursuant  
251 to the POD for the 45-unit four-story residential and commercial building currently under  
252 construction on West Broad Street in the Willow Lawn vicinity. The proffers of C-13C-09  
253 apply.

254  
255 The landscape plan proposes a variety of deciduous trees along the street frontages of  
256 Markel Road, Byrd Avenue, and West Broad Street. Planting beds are featured  
257 throughout, and the entire site will be irrigated.

258  
259 The lighting plan proposes flat-lens LED pole-mounted fixtures at a height of 18 feet  
260 throughout the parking area. And several down lights are proposed under the  
261 commercial canopy fronting on West Broad Street. A Virginia Power pole-mounted cobra  
262 head with overhead power line is slated for removal at this location in the southwest  
263 corner. That's slated for removal at this location to allow for proffered trees along Byrd  
264 Avenue. The lighting plan complies with the County's lighting policy.  
265

266 Staff recommends approval subject to the annotations on the plans and the standard  
267 conditions for lighting and landscaping plans. This concludes my presentation. I can now  
268 field any questions you may have regarding this. Keith Van Inwegen with Higgins and  
269 Gerstenmaier landscape architects, Jeff Taylor with Baskerville Architects, and  
270 developer Mike Lange with ECI are also here.

271

272 Mr. Leabough - Any questions from the Commission?

273

274 Mr. Witte - Not at this time.

275

276 Mr. Leabough - Mrs. Jones?

277

278 Mrs. Jones - I have a quick one, if you don't mind. Mr. Pambid, I just want  
279 to make sure. This lighting fixture, when I looked at it, even though the neighbors aren't  
280 immediately adjacent, there are some close-by residential areas. I'm looking at the open  
281 nature of that light fixture, but it really is not much different than other concealed-source  
282 fixtures that we've had, correct?

283

284 Mr. Pambid - That was the staff's opinion as well.

285

286 Mrs. Jones - Okay. It just looks so open I was hoping it wouldn't spread  
287 more light that would be intrusive in any way.

288

289 Mr. Pambid - During my review, I didn't see it any different as any other  
290 light fixture we have. I think that the difference here is maybe the way that the pole is  
291 centered on the light fixture. But as developers are switching to the LED fixtures, what  
292 you normally see is kind of an offset where it just hangs off of one side.

293

294 Mrs. Jones - So because of the—although the numbers are very small in  
295 the plan, this does meet our requirements at the property line, and it will not be an  
296 intrusive spread of light.

297

298 Mr. Pambid - That is correct. The property itself is zoned R-6C. And all  
299 around it is zoned either Office or B-2, and the half-a-foot candle standard is applied  
300 against adjacent residential. So we don't have that condition here.

301

302 Mrs. Jones - Okay. All right, thank you.

303

304 Mr. Leabough - Are there any other questions? Mr. Witte, would you like to  
305 hear from the applicant?

306

307 Mr. Witte - No. There's no opposition. Well, Mr. Chairman, I move  
308 approval—actually, I'd like to hear from the developer first.

309

310 Mr. Leabough - Okay. Would the applicant please come forward?

1

312 Mr. Witte - The applicant, yes.  
313  
314 Mr. Lange - Good morning.  
315  
316 Mr. Witte - Good morning. Thank you for coming this lovely day we're  
317 having. Can you explain a little bit of this light pole situation? Is there a reflective top on  
318 that? Or is it just LED lights in the top?  
319  
320 Mr. Lange - I'm actually going to defer that to my architect. He's more  
321 technically well-versed.  
322  
323 Mr. Leabough - I'm sorry. Could you identify yourself for the record? These  
324 are recorded proceedings. And I apologize for not asking.  
325  
326 Mr. Lange - Yes, I'm sorry. Yes. My name is Michael Lange. I'm with ECI  
327 Development and Management Services. I'm the developer for the property.  
328  
329 Mr. Leabough - Thank you.  
330  
331 Mr. Van Inwegen - I'm Keith Van Inwegen with Higgins and Gerstenmaier. The  
332 light fixture, the LED array is in the top of the light, and all the light goes downward  
333 similar to an old-fashioned shoebox. So there's no light that goes up. It's a full cut-off  
334 fixture. And it would really be no different than a typical metal halide and high-pressure  
335 sodium shoebox type light, other than it's got a contemporary look to it. But the lights are  
336 all in the roof of that fixture, and they all shine down.  
337  
338 Mr. Witte - Okay. I really like the look of the fixture. Not related to this  
339 case, but would that be suitable for some residential areas? Do you know?  
340  
341 Mr. Van Inwegen - Yes, absolutely it would be. The height of this pole is eighteen  
342 feet, so that's more of a residential scale. That's the way most LED fixtures are these  
343 days is that the optics are up in the roof and everything shines down.  
344  
345 Mr. Witte - Okay. Thank you. I have no further questions.  
346  
347 Mr. Leabough - Any other questions for the applicant? No questions. And I  
348 would like to note that I will abstain from voting on this case. Just for the record.  
349  
350 Mr. Witte - All right, Mr. Chairman, I move approval of the landscape and  
351 lighting plan for POD2013-00363 and POD2013-00364, Faison Residences Revised,  
352 subject to the annotations on the plan, and standard conditions applicable to the  
353 landscape and lighting plans.  
354  
355 Mr. Archer - Second.  
356

357 Mr. Leabough - Motion by Mr. Witte, second by Mr. Archer. All in favor say  
358 aye. All opposed say no. The ayes have it; the motion passes.

359  
360 I abstain.

361  
362 The vote was as follows:

363  
364 Mr. Leabough - Abstain

365 Mr. Witte - Yes

366 Mr. Archer - Yes

367 Mr. Branin - Absent

368 Mrs. Jones - Yes

369

370 The Planning Commission approved the landscape and lighting plan for POD2013-  
371 00363 and POD2013-00364, Faison Residences Revised, subject to the standard  
372 conditions attached to these minutes for landscape and lighting plans.

373

#### 374 **LANDSCAPE AND LIGHTING PLAN**

375

POD2013-00284; 00285 **Balzer and Associates, Inc. for West End Islamic**  
West End Islamic Center - **Center, Inc.:** Request for approval of a landscape plan  
Shady Grove, Phase 1 - and a lighting plan, as required by Chapter 24, Section 24-  
5000 Shady Grove Road 106 of the Henrico County Code. The 1.23-acre portion of  
the 3.67-acre site is located along the north line of Shady  
Grove Road, immediately west of its intersection with Twin  
Hickory Road, on part of parcel 741-770-9318. The zoning  
is A-1, Agricultural District. County water and sewer.  
**(Three Chopt)**

376

377 Mr. Leabough - Good morning, Mr. Wilhite.

378

379 Mr. Wilhite - Good morning, Mr. Chairman.

380

381 Mr. Leabough - Is there anyone in opposition to the landscape and lighting  
382 plan for POD2013-00284 and POD2013-00285, West End Islamic Center? There doesn't  
383 appear to be any opposition, Mr. Wilhite.

384

385 Mr. Wilhite - Thank you, sir. This landscape and lighting plan is done in  
386 conjunction with a plan to construction 18 parking spaces at the corner of Shady Grove  
387 Road and Twin Hickory Road. This is to allow an existing dwelling to be used as a place  
388 of worship. The plan of development was approved for a mosque on this site. We have  
389 not seen plans submitted for construct at this point in time, although it has Planning  
390 Commission approval. These 18 parking spaces will be incorporated into the larger  
391 parking lot when the mosque is constructed.

392

393 Landscaping is shown along Shady Grove Road between the parking lot and the  
394 roadway. The landscaping will be located to allow for future construction of a turn lane  
395 into the site and relocation of overhead power lines. The landscaping will be placed so  
396 those improvements will not impact the planting to be done at this time.  
397

398 The applicant has agreed to add two additional trees on the east side of the dwelling to  
399 provide a little bit of screening between Shady Grove Road north of the intersection and  
400 a straight view into the side of this building. That is an additional annotation to this plan.  
401

402 Staff can recommend approval of this landscape and lighting plan with the standard  
403 conditions for plans of this type. I'll be happy to answer any questions that you have.  
404

405 Mr. Leabough - Any questions from the Commission?  
406

407 Mr. Kaechele - Yes. Is there an indication as to how long this building will be  
408 used before the big structure is built?  
409

410 Mr. Wilhite - At this point staff has not been provided any information on  
411 the construction plans and the timing of the mosque building that was previously  
412 approved.  
413

414 Mr. Kaechele - So this is a temporary step.  
415

416 Mr. Wilhite - Yes. This would be a first phase. And this was addressed  
417 with the conditions of POD approval when that was done.  
418

419 Mr. Kaechele - Thank you.  
420

421 Mrs. Jones - I have just another question. I seem to be fixated on lighting  
422 this morning. Because this is a temporary situation, you do have an approval that is  
423 being sought today. Will this be revisited or can this part of the development be revisited  
424 when the next phase comes through for lighting and landscaping? Or is this once and  
425 then we're finished with this?  
426

427 Mr. Wilhite - The intent is when the mosque is constructed, the landscape  
428 and lighting plan for the balance of the site will come back to the Planning Commission  
429 for approval. This portion of the parking lot is supposed to be permanent, and the future  
430 parking lot will just be an addition to this.  
431

432 Mrs. Jones - Okay. So this is the permanent finished product for this  
433 phase.  
434

435 Mr. Wilhite - We don't anticipate any changes, although the applicant  
436 could come back and propose some changes if he wanted to.  
437

438 Mrs. Jones - Okay. So that brings me to lighting. Again, I'm really  
439 concerned about neighbors. Even though there is attention being paid to that, will there  
440 be additional light spilled to the neighborhoods based on this development and this  
441 lighting?  
442

443 Mr. Wilhite - The lighting plan does show that it is less than 0.5 foot candle  
444 levels at the property line. And the applicant has agreed to provide shields on the light  
445 fixtures, which would be done along the outer perimeter of the parking lot. So with that  
446 light spill, concealed source fixtures, and the shields that the applicant has agreed to, we  
447 feel that there won't be any impact on adjacent neighborhoods.  
448

449 Mrs. Jones - Well, that's what I needed to know. Thank you.  
450

451 Mr. Leabough - Any other questions?  
452

453 Mr. Archer - Mr. Wilhite, was there any addendum item with this today?  
454

455 Mr. Wilhite - No, sir.  
456

457 Mr. Archer - Okay.  
458

459 Mr. Leabough - Would you like to hear from the applicant?  
460

461 Mr. Archer - I don't think so, Mr. Chairman.  
462

463 Mr. Leabough - There are no other questions, Mr. Archer.  
464

465 Mr. Archer - Mr. Kaechele, you are okay with this?  
466

467 Mr. Kaechele - Yes.  
468

469 Mr. Archer - All right. Mr. Chairman, I move for approval of POD2013-  
470 00284 and POD2013-00285, West End Islamic Center, subject to the annotations on the  
471 plan and standard conditions for landscape and lighting plans.  
472

473 Mrs. Jones - Second.  
474

475 Mr. Leabough - Motion by Mr. Archer, second by Mrs. Jones. All in favor say  
476 aye. All opposed say no. The ayes have it; the motion passes.  
477

478 The Planning Commission approved the landscape and lighting plan for POD2013-  
479 00284 and POD2013-00285, West End Islamic Center, subject to the standard  
480 conditions attached to these minutes for landscape and lighting plans.  
481  
482

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*(Deferred from the December 11, 2013 Meeting)*

**PLAN OF DEVELOPMENT**

POD2013-00279  
Enviroscape Inc. Office  
and Service Building -  
Techpark Place

**Draper Aden Associates for Atack ME Tech Park Partners, LLC and Enviroscape, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 10,000-square foot-office warehouse facility. The **3.59** 4.07-acre site is located along the west line of Techpark Place, approximately **1,650** 1,590 feet south of Technology Boulevard, on part of parcel 844-704-9230. The zoning is M-2C, General Industrial District (Conditional). County water and sewer. **(Varina)**

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Mr. Leabough - Good morning, Mr. Ward.

Mr. Ward - Good morning members of the Planning Commission.

Mr. Leabough - Is there anyone here in opposition to POD2013-00279, Enviroscape Inc. Office and Service Building – Techpark Place? There is no opposition.

Mr. Ward - As noted in the addendum on page one, you do have a revised plan that shows the future right of way here removed as part of this plan of development. The current site will now be 3.59 acres. Also, staff and the owner have reached an agreement related to that right of way—the future right of way dedication of that road as well as the construction associated with the original subdivision approval.

The revised grades that you see going around the site, that will be a 2-to-1 slope surrounding the site to accommodate an eight-foot berm that will screen outside uses and storage to satisfy proffered conditions, as well as a landscape plan that's been shown that will basically satisfy the requirements on the 35-foot Transitional Buffer requirements, which the Planning Commission will review and approve that plan when it comes back for that after construction.

Going on to the building, the building elevations show around the base of the office portion a four-foot-tall brick base and then a four-foot-tall split face block base around the remaining portions, which is the warehouse. Also, the applicant indicated that either decorative masonry or some sort of brick would be used as the accent building material above certain areas around the office portions. And the rest of the warehouse portions will be EIFS.

At this point, should the Commission act on the request, staff does recommend approval subject to the standard conditions for developments of this type and the following

518 conditions: #9 amended for the landscape plan, and then #29 through #33 on page 12 in  
519 the agenda.

520  
521 I'm happy to answer any questions you may have of me. Also we have Glen Custis, the  
522 engineer with Draper Aden, and Jim Aldous, the developer of the site, if you have any  
523 questions of them.

524  
525 Mr. Leabough - Any questions from the Commission?

526  
527 Mr. Witte - I have one quick question for you, Mr. Ward. The opaque  
528 material for the fence and gate, do we have any specs on what that will be in terms of  
529 material?

530  
531 Mr. Ward - We did request that at the time of review, so that will be  
532 associated with landscape review when it comes back for the Planning Commission.

533  
534 Mr. Witte - Thank you.

535  
536 Mr. Leabough - Any other questions? All right. There being no opposition, I  
537 don't think I need to hear from the applicant. So, with that, I move for the approval of  
538 POD2013-00279, Enviroscape Inc. Office and Service Building – Techpark Place,  
539 subject to standard conditions for developments of this type, annotations on the plans,  
540 and the additional conditions: #9 amended and #29 through #33, as well as the revised  
541 plan as noted in the addendum.

542  
543 Mr. Witte - Second.

544  
545 Mr. Leabough - Motion by Mr. Leabough, second by Mr. Witte. All in favor say  
546 aye. All opposed say no. The ayes have it; the motion passes.

547  
548 The Planning Commission approved POD2013-00279, Enviroscape Inc. Office and  
549 Service Building – Techpark Place, subject to the annotations on the plans, the standard  
550 conditions attached to these minutes for developments of this type, and the following  
551 additional conditions:

- 552  
553 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
554 Planning for review and Planning Commission approval prior to the issuance of any  
555 occupancy permits.  
556 29. All repair work shall be conducted entirely within the enclosed building.  
557 30. Outside storage shall not be permitted between the front of the building and the  
558 front street boundary.  
559 31. The proffers approved as a part of zoning cases C-60C-97 and REZ2013-00005  
560 shall be incorporated in this approval.  
561 32. The conceptual master plan, as submitted with this application, is for planning and  
562 information purposes only.

563 33. The location of all existing and proposed utility and mechanical equipment  
564 (including HVAC units, electric meters, junctions and accessory boxes,  
565 transformers, and generators) shall be identified on the landscape plan. All  
566 building mounted equipment shall be painted to match the building, and all  
567 equipment shall be screened by such measures as determined appropriate by the  
568 Director of Planning or the Planning Commission at the time of plan approval.  
569

570 **SUBDIVISION**  
571

SUB2013-00203 **Draper Aden Associates for Cedar Grove 5, LLC:** The  
Cedar Grove (January 2014 Plan) - Cedar Grove Way 15.80-acre site proposed for a subdivision of 34 single-  
family homes is located along the east line of Cedar Grove  
Way, approximately 550 feet north of its intersection with  
Hungary Road, on parcels 778-760-5566 and 778-760-  
0791. The zoning is R-3C, One-Family Residential District  
(Conditional). County water and sewer. **(Fairfield) 34 Lots**

572  
573 Mr. Leabough - Is there anyone here in opposition to SUB2013-00203, Cedar  
574 Grove (January 2014 Plan)? There is no opposition. Mr. Pambid?  
575

576 Mr. Pambid - Good morning. This plan proposes a fifth section of 34 lots on  
577 approximately 15 acres as part of the existing Cedar Grove subdivision. Right-of-way for  
578 Old Hungary Road is required by proffer to be vacated and designated as common area.  
579 And that right of way is designated in green on the staff plan on the screen. This existing  
580 right-of-way serves only this property on which one residence consisting of three  
581 structures exists and will be demolished to make way for the development.  
582

583 Staff recommends conditional approval subject to the annotations on the plans, the  
584 standard conditions for developments of this type, and additional conditions #13 through  
585 #19 in your agenda.  
586

587 This concludes my presentation, and I can now field any questions you may have  
588 regarding this. Glen Custis from engineers Draper Aden Associates is also here on  
589 behalf of the applicant.  
590

591 Mr. Leabough - Are there any questions from the Commission? No questions.  
592 Would you like to hear from the applicant?  
593

594 Mr. Archer - I don't think so, Mr. Chairman.  
595

596 Mr. Leabough - All right. I believe a motion would be in order.  
597

598 Mr. Archer - All right. With that I will move for conditional approval of  
599 SUB2013-00203, Cedar Grove (January 2014 Plan) subject to the plan annotations,  
600 standard conditions for developments of this type, and the additional conditions #13  
601 through #19.

602  
603 Mrs. Jones - Second.  
604  
605 Mr. Leabough - Motion by Mr. Archer, second by Mrs. Jones. All in favor say  
606 aye. All opposed say no. The ayes have it; the motion passes.  
607  
608 The Planning Commission granted conditional approval to SUB2013-00203, Cedar  
609 Grove (January 2014 Plan), subject to the standard conditions attached to these minutes  
610 for subdivisions served by public utilities, the annotations on the plans, and the following  
611 additional conditions:  
612  
613 13. Each lot shall contain at least 11,000 square feet, exclusive of the floodplain  
614 areas.  
615 14. A County standard sidewalk shall be constructed along the north side of Hungary  
616 Road.  
617 15. The proffers approved as part of zoning case REZ2013-00020 shall be  
618 incorporated in this approval.  
619 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions  
620 for the maintenance of the common area by a homeowners association shall be  
621 submitted to the Department of Planning for review. Such covenants and  
622 restrictions shall be in a form and substance satisfactory to the County Attorney  
623 and shall be recorded prior to recordation of the subdivision plat.  
624 17. The existing right-of-way for Old Hungary Road shall be vacated prior to recordation  
625 of any section of the subdivision impacted by this right-of-way.  
626 18. The limits and elevation of the **Special Flood Hazard Area** shall be conspicuously  
627 noted on the plat and construction plans and labeled "**Limits of Special Flood**  
628 **Hazard Area.**" Dedicate the **Special Flood Hazard Area** as a "Variable Width  
629 Drainage & Utilities Easement."  
630 19. The final plat for recordation shall contain information showing The Chesapeake  
631 Bay Preservation areas, if any, in accordance with Chapter 19, Section 19-72 (18),  
632 of the Henrico County Code, as determined by the Director of Public Works.  
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648 **SUBDIVISION - CHESAPEAKE BAY RESOURCE PROTECTION AREA EXCEPTION**  
649

SUB2013-00195  
Kildare Annex Block D  
Lots 15-17 - 2518 Libbie  
Avenue

**Werner Engineering for Big Green Mountain, LLC and Emerald Land Development, LLC:** Request for approval of a Chesapeake Bay Resource Area Exception as required by Chapter 24, Sections 106.3(f) and 106.3(l) of the Henrico County Code. The 1.08-acre site is located on the north line of Libbie Avenue across the street from Regent Road, on parcels 773-742-5646, ~~773-742-6246~~, and ~~773-742-7046~~. The exception would allow a buildable area for a future single-family dwelling to encroach within the seaward 50-feet of the required 100-foot-wide Resource Protection Area, a component of a Chesapeake Bay Preservation Area, adjacent to Horsepen Branch that drains to Upham Brook in the Chickahominy River watershed. The zoning is R-3, One-Family Residential District. County water and sewer. **(Brookland) 1 Lot**

650  
651 Mr. Leabough - Good morning, Mr. Perry.

652  
653 Mr. Perry - Good morning.

654  
655 Mr. Leabough - Is there anyone here in opposition to the approval of the  
656 Chesapeake Bay Resource Protection Exception for SUB2013-00195, Kildare Annex  
657 Block D Lots 15-17?

658  
659 Mr. R. G. Williams - [Speaking off microphone] Yes. Raise your hands. Whoever's  
660 in opposition, raise your hands.

661  
662 Mr. Leabough - We do have opposition. Thank you. Mr. Perry?

663  
664 Mr. Perry - Good morning, Mr. Chairman, members of the Planning  
665 Commission, I'm Jeff Perry. I manage the Engineering and Environmental Division in the  
666 Department of Public Works.

667  
668 This request is for approval for an exception to the Henrico County Chesapeake Bay  
669 Preservation Ordinance to construct a single-family dwelling totaling 1,693 square feet,  
670 as well as related site improvements within the 100-foot RPA buffer adjacent to  
671 Horsepen Branch. The subject property was created with recordation of Kildare Annex in  
672 1952, prior to the adoption of the provisions of the Henrico County Code regarding  
673 Chesapeake Bay Protection areas.

674  
675 As you know, Henrico County adopted the Bay Act in 1991. The location of the Resource  
676 Protection Area, the RPA, would make this lot unbuildable. Application of the RPA  
677 cannot make a lot unbuildable; therefore, an exception is allowed provided there is a

678 minimum impact to the RPA. The Department of Public Works has determined the  
679 applicant has met that condition and recommends approval.

680  
681 I will entertain any questions you may have.

682  
683 Mr. Leabough - Are there any questions from the Commission?

684  
685 Mrs. Jones - Yes. I just want to make sure that we're clear on definitions.  
686 These are tough, as you and I both know. In this particular case, we are talking about  
687 making the lot unbuildable should the exception not be granted, which is considered then  
688 in essence, I guess, a taking of the property. Unbuildable. Does that mean that maybe a  
689 home of 900 square-feet would be preferable to a home of 1,600 square-feet?  
690 Unbuildable. I need to define that.

691  
692 Mr. Perry - We don't get—I mean, as far as if it's reasonable to us then  
693 as far as the size of the home, we really don't dictate in Public Works what the size of the  
694 home would be. We would look as far as the setback, that it's meeting the minimum of a  
695 35-foot setback. And they're adhering to that. So we're looking to—looking at this, it did  
696 not appear someone was using that to go ahead and expand their building site beyond  
697 reason. It looks very reasonable to us based on what we have in front of us.

698  
699 Mrs. Jones - The other definition is *minimal*, as in minimal impacts.

700  
701 Mr. Perry - What we would look to do there is not only would we look to  
702 see that it was, for instance, a reasonable house, in this case there actually has to be  
703 some floodplain compensation. But we would also look to are they coming back with  
704 plantings? Are they reestablishing the RPA buffer? To which they are in this case. As far  
705 as in this particular case they actually have to fill into the floodplain, so they will have to  
706 submit a plan to FEMA, who oversees the floodplain. They'll have to show  
707 compensation. So we know that will be at the minimum. They can't raise the floodplain.  
708 So in addition to that, they'll submit an erosion sediment control plan to us, show all the  
709 grading, show all the—so at this point we're fairly confident in looking at this from various  
710 angles that basically the minimal impact, in our opinion, is being met. We don't have any  
711 other advice. We don't really have anything else where we could say, hey look, have you  
712 really considered this, have you—and that's our job. And at this point, you know, we feel  
713 comfortable that they're basically meeting that minimum approach.

714  
715 Mrs. Jones - Should this exception be granted, is there still a chance—  
716 obviously I guess at some other level with some other review, such as FEMA,  
717 whatever—that it could be rejected?

718  
719 Mr. Perry - Certainly you could still grant an exception, for instance, and  
720 they not be able to meet FEMA's requirements. Therefore, the plan couldn't be  
721 approved. A building permit couldn't be issued. We couldn't approve the erosion and  
722 sediment control plan. So certainly just by granting an exception doesn't mean that other  
723 conditions don't need to met, whether they're federal, state, or local conditions. So, for

724 the plan to be approved, they would still have to meet all the laws and regulations in  
725 addition to this exception being granted.

726

727 Mrs. Jones - Okay, thank you.

728

729 Mr. Leabough - Are there other questions from the Commission?

730

731 Mr. Witte - No, not at this time.

732

733 Mr. Leabough - Okay. We do have opposition, so I'll ask Mr. Secretary to  
734 read the rules for speaking at our hearing.

735

736 Mr. Emerson - Yes, Mr. Chairman. The Commission does have rules that  
737 govern the public hearing process, and they are as follows. Ten minutes are allowed for  
738 the applicant to present their proposal, and they may reserve time to rebut or answer  
739 questions after the opposition speaks. Ten minutes is allowed for the opposition in total.  
740 The Planning Commission can allow more time within their discretion if they see fit.

741

742 Mr. Leabough - Would you like to hear from the applicant or the opposition?

743

744 Mr. Witte - I'd like to hear from the opposition first.

745

746 Mr. Leabough - Okay. The opposition, if you would step to the microphone.

747

748 Mr. R. G. Williams - [Speaking off microphone] There are three of us that would  
749 like to speak, and I'm going to speak last.

750

751 Mr. Leabough - Sure.

752

753 Mr. Witte - You understand there's 10 minutes total.

754

755 Mr. R. G. Williams - [Speaking off microphone] Yes we do.

756

757 Mr. R. G. Williams - [Speaking off microphone; inaudible.]

758

759 Mrs. Jones - Okay.

760

761 Mr. Leabough - Please state your name.

762

763 Ms. Forsgren - My name is-

764

765 Mr. Leabough - I'm sorry—

766

767 Ms. Forsgren - I live at 5818 East Rois Road. And—

768

769 Mr. Leabough - Ma'am?

770  
771 Ms. Forsgren - —I'm actually a friend of the adjoining property—  
772  
773 Mr. Leabough - Ma'am? Speak into the microphone and repeat your name  
774 because –  
775  
776 Ms. Forsgren - Right. My name is Diedre Forsgren. I live at 5818 East Rois  
777 Road. I'm friends of the adjoining landowners. I also have quite a bit of experience  
778 reading maps. I worked in my previous position for three and a half years doing state  
779 environmental reviews. So when I got a chance to see what the actual plan was on the  
780 plot map, I really had some very serious concerns. So I took this and I also transposed it  
781 onto one of your own floodplain maps. Essentially, not even maybe a whole room is on  
782 property that is not currently part of both Henrico and FEMA floodplain. So there's quite a  
783 bit of fill involved. And according to these drawings, the fill will actually be a straight line.  
784 The contour lines for the existing easterly adjoining property, which is theirs, it shows  
785 that—I don't know if there's going to be a retaining wall there right up against that  
786 property line or what. To me it looks like an awful lot of fill. There is supposed to be  
787 shrubbery put up, about 15-foot on center, I believe that's what that is. Yes, I think it  
788 would be 15-foot on center. It doesn't look like a lot of mitigation for any kind of runoff.  
789 Also, as you can see, down by Libbie Avenue there are lines going in there. That's  
790 natural drainage from the entire neighborhood up the hill.  
791  
792 Do you have the other floodplain map that I drew on?  
793  
794 Mr. R. G. Williams - [Speaking off microphone; inaudible.]  
795  
796 Mr. Emerson - Just provide them to staff. Staff will put them on the overhead  
797 so she can speak to them.  
798  
799 Ms. Forsgren - I guess my concern is—and after reviewing for potential  
800 problems to drinking water—I worked for the Department of Health in their Source Water  
801 Protection Department. I'm used to looking at streams, going downstream, what might  
802 happen. I'm also used to looking at projects and alternatives. In my previous capacity—  
803 and I'm not speaking for the Department of Health in any way, just as a concerned  
804 citizen. I would have some serious concerns about this project, and I would probably give  
805 this to my boss to handle.  
806  
807 I realize that this is just the first step and that FEMA has to go through too. But, I mean,  
808 this project is sort of overlapping three protection zones. There's something very not right  
809 about it.  
810  
811 Mr. Archer - Ms. Forsman? Did I say your name right? Is it Forsman?  
812  
813 Ms. Forsgren - Forsgren.  
814

815 Mr. Archer - Okay. Could you sort of pull together what your objections are  
816 so I can focus on it a little bit? I'm not sure exactly what you're objecting to.

817  
818 Ms. Forsgren - Well, my objection actually is to what will happen on the other  
819 side of that property line, which is owned by Mr. Williams here. The contours show—  
820 contours go round. There are very few straight lines in nature. So as this plan shows with  
821 the location of the home, where the contour lines of the fill will be just sort of end in a  
822 straight line. I can see that at some point there might even be some runoff into  
823 Mr. Williams' lot, not to mention on a stream. And if you take a look at where that EPA  
824 post is that's all the way up on the north side of that, that is really right on the streambed.  
825 That's right on the streambed.

826  
827 Glen provided a lot of pictures of elevation that he took looking up the stream. It is very  
828 steep. It is very steep up there. I guess to take a look at this with contours on the map  
829 and transpose onto the floodplain—anything that runs down off of this lot is going to run  
830 down onto Mr. Williams' property, not to mention into Upham Brook which then goes all  
831 the way down to the James.

832  
833 Mr. Archer - So then you think that this is going to create a drainage or a  
834 flooding problem of some kind.

835  
836 Ms. Forsgren - I think that there's going to be runoff from this home. And I  
837 think also that that's a very unrealistic fill pattern. I'm wondering how they're actually  
838 going to access that to fill that up. I mean, he doesn't want dirt all over his property. He  
839 purchased extra pieces of property as a buffer zone so that he could keep the stream  
840 pristine. He owns on the other side of the stream as well.

841  
842 Mr. Leabough - Are there any other questions?

843  
844 Mr. Witte - Yes. Ms. Forsgren, do you know if there will be more runoff to  
845 that stream after this house is built than there is right now?

846  
847 Ms. Forsgren - I'm not an expert; I can't tell you that.

848  
849 Mr. Witte - The way I look at it, all that land goes downhill.

850  
851 Ms. Forsgren - Mmm-hmm.

852  
853 Mr. Witte - And only a certain amount of moisture, rain falls in that  
854 acreage, and it all goes down now.

855  
856 Ms. Forsgren - Mmm-hmm.

857  
858 Mr. Witte - I would like for you to convince me that this going to create  
859 more of a problem than there is now.

860

861 Ms. Forsgren - Well, it all goes down now through an undisturbed gut. So it  
862 gets filtered out by all the plants and the trees and everything that's growing on the  
863 ground there right now. And so what would happen is the way that it's laid out, the way it  
864 appears is that when the water comes down the street that it almost butts up right  
865 against this piece of property coming from—that joins onto Libbie and Rodney Road. Is it  
866 Lucy? What's the name of the lane? Anyway. That is going to probably end up having to  
867 go around this building as it is right now.

868  
869 Mr. Witte - The undisturbed area behind this building will still act as a  
870 filter.

871  
872 Ms. Forsgren - Well, if you take a look, there's not much undisturbed. I mean  
873 it will be disturbed. The whole process of clearing it out, filling it in, putting—I'm not even  
874 sure if the home is going to be on a slab, if there's any kind of crawlspace or basement  
875 involved with this. But for the duration of this project, there's probably going to be an  
876 awful lot of runoff that's going to be brown—brown muddy water coming out of there.

877  
878 Mr. Witte - Okay, thank you.

879  
880 Mr. Leabough - Thank you. Is there anyone else that would like to speak in  
881 opposition?

882  
883 Mr. R. G. Williams - [Speaking off microphone.] Can he sit down to testify?

84  
885 Mr. Leabough - Sir, please state your name for the record.

886  
887 Mr. D. Williams - My name is somewhat easier than hers—Dick Williams.  
888 D-i-c-k Williams. I own the property next door, and I live in the house next door. This  
889 piece of land that we're talking about is about a block and a half long. It's been there  
890 forever. Nothing's ever been built on it. Most people don't know where it is; it's the end of  
891 Libbie Avenue. And as you come down to Bethlehem Road, if you keep straight, it's  
892 about a three- or four-block hill that goes down to this property. From the other end it  
893 becomes Rodney Road, forty-five degrees to the right. It's one block long. From that  
894 area down to this property is downhill. Regent Road comes into this property and Dollard  
895 comes into this property. Both go downhill. Libbie Avenue goes downhill. All then run  
896 onto this property.

897  
898 What people haven't said anything much about is there's a creek, pristine creek. This  
899 probably touches the creek. It touches it. Anyway—excuse the way I'm dressed; I'm not  
900 well. I just got out of a sick bed to come here. Yesterday I was afraid I was going to die;  
901 today I'm afraid I'm not going to die. It's one of those situations, so, bear with me, if you  
902 will. I'm just kidding.

903  
904 There are certain rules and regulations about what you can and cannot do. These rules  
905 are your rules. And I would just like to remind you of just a few of them here, what is



952 Mr. D. Williams - From Bryan Park it becomes—  
953  
954 Mr. Emerson - Mr. Williams, you have—  
955  
956 Mr. D. Williams - From the brook it goes to the Chickahominy water area and  
957 becomes—  
958  
959 Mr. Emerson - Mr. Williams?  
960  
961 Mr. Leabough - Mr. Williams?  
962  
963 Mr. D. Williams - Sir?  
964  
965 Mr. Emerson - You have less than a minute left.  
966  
967 Mr. D. Williams - Well, that's really all I have to say. It's just a danggone shame  
968 that a pristine creek is going to be ruined. I don't really have anything else to say except I  
969 appreciate your attention. Thank you very much.  
970  
971 Mr. Leabough - Mr. Perry? Okay, great.  
972  
973 Mr. D. Williams - Are you speaking to me, sir?  
974  
975 Mr. Leabough - No, sir. Mr. Perry, would you please come up. There have  
976 been a number of questions.  
977  
978 Mr. Witte - I believe we had one more to speak from the opposition.  
979  
980 Mr. Leabough - Are you planning to speak, sir?  
981  
982 Mr. R. G. Williams - [Speaking off microphone.] Yes, sir.  
983  
984 Mr. Emerson - You have 15 seconds left in the 10 minutes unless the  
985 Commission chooses to extend.  
986  
987 Mr. R. G. Williams - [Speaking off microphone.] No, I'm speaking on my own  
988 behalf.  
989  
990 Mr. Emerson - Yes, sir, I understand. That's a cumulative 10 minutes for the  
991 opposition.  
992  
993 Mr. R. G. Williams - [Speaking off microphone.] What?  
994  
995 Mr. Emerson - And you've used nine minutes and 45 seconds. Yes, sir.  
996  
7 Mr. R. G. Williams - [Speaking off microphone.] No, I thought it was per person.

998  
999 Mr. R. G. Williams - [Speaking off microphone; inaudible.]  
1000  
1001 Mr. Emerson - No sir. That is a cumulative—  
1002  
1003 Mr. Emerson - Sir, sir, sir—it is--  
1004  
1005 [Overlapping conversation; unintelligible.]  
1006  
1007 Mr. Emerson - It's within the discretion of the Commission. It is their rules  
1008 and regulation. There are 10 minutes allowed for each side. You have used nine minutes  
1009 and 45 seconds. So it's up to the Commission whether or not they choose to extend that  
1010 time.  
1011  
1012 Mr. R. G. Williams - [Speaking off microphone.] Will you please extend me the  
1013 time, sir? And I'm sorry.  
1014  
1015 Mr. Leabough - Are you planning to share anything that we haven't heard  
1016 already?  
1017  
1018 Mr. R. G. Williams - [Speaking off microphone.] Yes, sir. I have a lot of stuff to  
1019 say, and I can make it as quick and concise. I apologize to the Commission for coming in  
1020 here. This is an ecological disaster about to occur—  
1021  
1022 Mr. Leabough - Sir?  
1023  
1024 Mr. Witte - Sir?  
1025  
1026 Mr. Leabough - Sir, that was a yes or no.  
1027  
1028 Mr. R. G. Williams - [Speaking off microphone.] Oh, I'm sorry.  
1029  
1030 Mr. Leabough - You have additional information?  
1031  
1032 Mr. R. G. Williams - [Speaking off microphone.] Yes sir, I do. And I'm going to  
1033 take it down a notch [inaudible].  
1034  
1035 Mr. Leabough - Please. I'll give you an extra minute.  
1036  
1037 Mr. R. G. Williams - [Speaking off microphone.] A minute.  
1038  
1039 Mr. Leabough - Yes.  
1040  
1041 Mr. R. G. Williams - [Speaking off microphone.] Okay. Quickly. These green  
1042 lines—  
1043

1044 Mr. Archer - Sir, you need to go to the microphone.  
1045  
1046 Mr. R. G. Williams - My name is Richard Glen Williams.  
1047  
1048 Mr. Archer - Mr. Williams, if you'd like, we can show those pictures.  
1049  
1050 Mr. R. G. Williams - Well thank you so much, sir. I would love to show every  
1051 picture. And we briefly can explain it and make it very concise.  
1052  
1053 Mr. Archer - I don't know about everyone but—  
1054  
1055 Mr. R. G. Williams - Well, I'll show my big ones here.  
1056  
1057 Mr. Leabough - Sir? Let me ask a quick question. Is the applicant here by  
1058 chance? The applicant's in the back? Okay.  
1059  
1060 Mr. R. G. Williams - I have diagrams that will work on your projector, but only  
1061 these pictures can be described very concisely and quickly by me pointing and throwing  
1062 them down, pointing and throwing them down. If you would please allow me that.  
1063  
1064 Mr. Archer - Can he point with the mouse?  
1065  
1066 Mr. R. G. Williams - No. It can't go on the screen it won't work. I can just hold it,  
1067 and point it, and—if you would just allow me to just hold the picture and explain each  
1068 one. And I'll show four or five. Thank you. I'm sorry. I'm a little stressed.  
1069  
1070 All right. What we have here, this is a 3-D model that I created. What's happened—and I  
1071 had a storyline but this has become very broken as I'm running around. What you see  
1072 here, this line here—you'll need this print. Can you put that on the screen? Okay. What  
1073 we have going on here is they're asking for one house, but this is not what they're asking  
1074 for. They're asking for a reduction of 50 feet from the 100-foot RPA (Resource Protection  
1075 Area) buffer that is mandated by the Chesapeake Bay Foundation, the federal people.  
1076 What we got going on here. If you look at just this picture—and they're asking for a  
1077 reduction. They're actually doing it backwards. The yellow line below the orange line?  
1078 The orange line is the center of the creek. What you do is you come out here to this  
1079 next—the existing 100-year floodplain going through your house. Right there they want  
1080 to match that, so they want to completely—they're not asking for a reduction; they're  
1081 asking for a removal. That's the proper word to use. By reducing this floodplain—if you  
1082 look at this, you kind of think oh, it doesn't look bad, except you go wow, that's a dirt  
1083 mound there. That's crazy. You have to come in, put a dirt mound. But what they want is  
1084 they want to completely tear down from the street—you'll still have a few feet for the  
1085 buffer, but what you'll have is you'll have the complete wooded—150 years worth of  
1086 woods. I have pictures of 100-foot trees. We have pictures of mussels. They have  
1087 freshwater mussels in this creek.  
1088

1089 What you have—this is a picture of what they're proposing to build right on the creek—  
1090 right on it, folks. This line here represents about 45 to 50 degrees. Now the slope is  
1091 wrong because I used—I'm a construction person. I know, because I've been in the  
1092 cable TV industry and telephone industry for 27 years. What you have here, folks—what  
1093 you got—and let me tell you, Channel 12 is on its way right now. Okay?

1094  
1095 Mr. Emerson - They're here.

1096  
1097 Mr. R. G. Williams - This is how big it is. What you've got—this corner of this lot is  
1098 so severe, which is where you have your 17.33-foot setback. It goes six-feet back behind  
1099 my father's line. Now, Dee Dee soft sold this because she's a professional person, and  
1100 she didn't use the right terms. This is wanton environmental destruction. Municipalities all  
1101 over the United States will pay, I don't know—

1102  
1103 Mr. Leabough - Sir?

1104  
1105 Mr. R. G. Williams - Okay, I'm making it concise.

1106  
1107 Mr. Leabough - Can you make your point?

1108  
1109 Mr. R. G. Williams - But let me explain this picture. This green line is a 45 degree  
1110 angle slope.

1111  
1112 Mr. Leabough - Mr. Williams, I'll give you another minute. I've already given  
1113 you two minutes.

1114  
1115 Mr. R. G. Williams - Okay.

1116  
1117 Mr. Leabough - So if you could be more concise and sort of wrap it up.

1118  
1119 Mr. R. G. Williams - Well, if you're only going to give me a minute on something  
1120 like this, then we got a real problem because I should have started this—

1121  
1122 Mr. Leabough - We gave—

1123  
1124 Mr. R. G. Williams - Here's the water flow. Forty-six homes. They can see it from  
1125 here. Forty-six homes flood in here. This proves it with your own maps. Those 46 homes  
1126 go through a pristine riparian barrier. [Goes off microphone; unintelligible.] This pristine  
1127 buffer—all right. This shows the center of the creek. [Still off microphone; inaudible.]  
1128 They want to build a dirt mound. Tear down this entire length of trees. But what this is  
1129 about, folks, is about moving that line. When they move that line, this guy in the second  
1130 house in here. And they're doing it backwards. Can you please put this on—they're  
1131 removing the riparian barrier. They're removing—I'll calm down. I'm very emotional.

1132  
1133 Mr. Leabough - You have 15 seconds.

1134

1135 Mr. R. G. Williams - Then I did the wrong thing. Anyway. They're proposing a  
1136 dinky little house there on the far end just met the criteria. They paid \$25,000 for each  
1137 lot. Okay. But it's unbuildable. In 2010, Henrico County took it—the assessments for the  
1138 six lots that were there. They took them and reduced them down to \$500, thus saying  
1139 they could never be built upon. What we have here is you have every rule—by taking  
1140 that orange barrier and putting it back on that green—on the creek bed, what you're  
1141 doing is you're removing the entire pristine wooded area that captures soil for over 46  
1142 homes. Can you put on my circle now, please?  
1143

1144 Mr. Leabough - Sir, you've exceeded your time.  
1145

1146 Mr. R. G. Williams - Okay. Well, can you give me two more minutes?  
1147

1148 Mr. Leabough - Sir, I've given you five minutes. When you started off—  
1149

1150 Mr. R. G. Williams - Can you give me two more, sir? Please? I'm begging you, sir.  
1151

1152 Mr. Leabough - Sir, you've already extended the time that we—  
1153

1154 Mr. R. G. Williams - I should have taken the full 10 minutes.  
1155

1156 Mr. Leabough - Let us do this. Let us hear from the applicant and Mr. Perry  
1157 from Public Works.  
58

1159 Mr. R. G. Williams - Okay. FEMA—  
1160

1161 Mr. Leabough - Are you going to let me finish?  
1162

1163 Mr. R. G. Williams - Yes, I'm sorry.  
1164

1165 Mr. Leabough - Okay, please. We're going to take this opportunity to hear  
1166 from the applicant and Mr. Perry. Mr. Perry, could you come up first, please?  
1167

1168 Mr. Witte - Sir?  
1169

1170 Mr. R. G. Williams - [Speaking off microphone.] I apologize.  
1171

1172 Mr. Leabough - There have been a number of questions raised: runoff,  
1173 concerns about drinking water, an unrealistic fill pattern, chemicals draining into the  
1174 creek from landscaping, fertilization of the lawn. Can you address some of the questions  
1175 that—well all the questions that have been raised?  
1176

1177 Mr. Perry - I'll try. As far as increased runoff, any time you build a home  
1178 or a road, all the other homes—for instance, the homes adjacent to this proposed  
1179 home—obviously that's an area that has now become impervious, rooftop. Water doesn't  
1180 go in. So to say that there won't be more runoff would be incorrect. But it's that way for

1181 any development that changes a forest area or a turf area to a hardscape. So there will  
1182 be more runoff.

1183  
1184 As far as filling in the floodplain, we have development that fills in the floodplain quite  
1185 often in the County or in other places in the County. They have to meet the FEMA  
1186 regulations. Any type of development that goes in the County, obviously changes the  
1187 landscape of the County. You take down trees and something goes back, whether it's a  
1188 lawn, whether it's a home. So again, that's not anything different or applied differently in  
1189 this case that isn't applied elsewhere in the County, I guess is what I'm trying to say. We  
1190 don't see this as unusual in a sense—when I say *unusual*, if someone has to—or  
1191 proposes to fill in a floodplain, which folks do, they have to go through the FEMA  
1192 process, show that they're not going to increase the floodplain. As far as slopes, we look  
1193 at the slope to make sure that the slope is going to be stabilized, the slope is going to be  
1194 vegetated properly to go ahead and prevent erosion from occurring. I don't see  
1195 anything—I guess what I'm trying to say is on the surface I don't see anything unusual  
1196 other than they need an exception request in this case.

1197  
1198 Now, there were some concerns about contours and tying in. Certainly we're going to  
1199 make sure that there's no grading or there's no proposed construction on someone  
1200 else's property. We couldn't allow that to happen without some type of easement being  
1201 granted by that person. So, again, we have rules, we have requirements to ensure that  
1202 this would be done appropriately in accordance with, again, the rules and regulations  
1203 that are set forth.

1204  
1205 So, I don't know if that answers all the questions. As far as, you know, fertilizers and  
1206 runoff, certainly that is a concern of the Bay Act. I mean, any time someone puts down  
1207 fertilizer anywhere in the County you're concerned about the runoff, and you hope  
1208 people do it accordance with the instructions on the label and so forth.

1209  
1210 Any kind of water quality, any kind of water quality requirements would have to be met by  
1211 the applicant as well. Again, that's strictly through the design and submittal process.

1212  
1213 Mr. Emerson - Mr. Perry, don't these lots have a certain right because they  
1214 were recorded prior to the Bay Act?

1215  
1216 Mr. Perry - Again, in the presentation you can't—and I think the term  
1217 Mrs. Jones used was "a taking," but the idea is that the application of the Chesapeake  
1218 Bay Act cannot make a lot unbuildable. That's pretty much the law. That's why an  
1219 exception would have to be granted. Our job is to ensure, again, that term *minimal*. But  
1220 again, looking at this, this is not something that we would see as unusual or someone  
1221 going beyond. I've heard folks say well, you know, maybe the slope is too steep, maybe  
1222 it goes out too far. But it's kind of one of those "Catch-22s." As you try to move the slope  
1223 away from the stream, obviously the slope goes up in gradient and gets a lot steeper. So  
1224 there's a balance there where you want to keep good vegetation on and at the same  
1225 time minimize the impact as far as the encroachment out into the wetlands and out into  
1226 the swamp.

1227  
1228 Again, any kind of wetland impacts, we need to get permits from the environmental  
1229 agencies. It's a process that the County or we go through quite often.  
1230  
1231 Mr. Leabough - So, Mr. Perry, our approval today is just approving the  
1232 exception to the RPA.  
1233  
1234 Mr. Perry - That is correct.  
1235  
1236 Mr. Leabough - We're not approving the design of the site or anything related  
1237 to that, correct?  
1238  
1239 Mr. Perry - That is correct.  
1240  
1241 Mr. Leabough - Okay. And what I hear you saying is that that's a part of the  
1242 other steps that they would have to go through to receive approval to build.  
1243  
1244 Mr. Perry - The applicant is going to have to—before we would issue any  
1245 type of building permit—show that they have submitted a plan to FEMA, FEMA has  
1246 approved it as far as the floodplain, the filling, and the compensating area that would be  
1247 required to go ahead and ensure that they weren't going to impact the floodplain. In  
1248 addition to that, they'd have to submit an erosion and sediment control plan to us  
1249 showing everything from the slopes, making sure they wouldn't erode, they would have  
1250 the proper silt fence and so forth. You've seen already in the sketch—I think someone  
1251 from my staff has already gone out and looked at possible plantings that would be  
1252 required to go ahead and minimize the impacts to the RPA, start to put back some of that  
1253 vegetation. That's one of the requirements, that you go back and you put back  
1254 appropriate vegetation to try to reestablish the RPA. An RPA area, they'd have to go  
1255 ahead and show compensation, if it was available, another area that they could grade  
1256 down and provide. And that may come when—basically, if FEMA were to, let's say,  
1257 require a compensating area, you fill in one area and you create another area to go  
1258 ahead and offset. And that would probably be an area that we would look at to go ahead  
1259 and plant with wetland plants. It would compensate for the RPA that was lost.  
1260  
1261 Again, that is something that is somewhat standard operating procedure for us when  
1262 someone is allowed to encroach into the RPA. So it's not unusual for us, and we'll be  
1263 applying it to this project, which is why we said we were comfortable with granting the  
1264 exception at this point. We would recommend it.  
1265  
1266 Mr. Leabough - Any questions for Mr. Perry from the Commission?  
1267  
1268 Mrs. Jones - Not for Mr. Perry.  
1269  
1270 Mr. Witte - The applicant, please.  
1271

1272 Mr. Leabough - Would the applicant please come forward? And again, please  
1273 state your name for the record.

1274  
1275 Mr. Werner - My name is Adam Werner. I'm the engineer on the project.  
1276 Just to follow up on what Mr. Perry said. This is kind of step one of the process, and we  
1277 will fully work with the County, staff, even the adjacent homeowner; I understand their  
1278 concerns. It's something that we'll look at as far as the grading of the lot, mitigation,  
1279 plantings—everything is still to come in the design process. So we're just kind of here on  
1280 step one, as Mr. Perry said.

1281  
1282 If you guys have any questions for me, I'll be happy to answer them.

1283  
1284 Mrs. Jones - I do. Have you all chatted before? Have you reached out to  
1285 the--

1286  
1287 Mr. Werner - No, ma'am.

1288  
1289 Mrs. Jones - Okay. So this is truly the first time that you've heard any of  
1290 the concerns.

1291  
1292 Mr. Werner - Yes, ma'am. I just heard of their concern. I got an e-mail  
1293 yesterday from Planning that said there would be some homeowners here that have  
1294 concerns.

1295  
1296 Mrs. Jones - Okay. Knowing that the concern obviously is for the creek  
1297 and floodplain, the way in which this—the home is situated, the way in which the grading  
1298 is—all of that could change to accommodate a better use of this parcel, if you can find  
1299 one, to minimize—

1300  
1301 Mr. Werner - Yes.

1302  
1303 Mrs. Jones - —the impacts that everyone is concerned about.

1304  
1305 Mr. Werner - Yes.

1306  
1307 Mrs. Jones - I don't know whether the folks that are with us today realize  
1308 this, and I'm only speaking for myself, but I believe all the commissioners do what I do.  
1309 We visit all these sites. I have spent a fair amount of time looking at the property in  
1310 question here. I don't need to see the pictures; I've seen it with my own eyes. So we do  
1311 have a full understanding of what the challenges are of this particular parcel.

1312  
1313 We hate to have unintended consequences; that's what the reviews are for.

1314  
1315 Mr. Werner - Correct, correct.

1316

1317 Mrs. Jones - And yet I must reiterate in my mind this is about meeting the  
1318 criteria for granting an exception. That's what we're here for this morning.  
1319  
1320 Mr. Werner - Yes, ma'am.  
1321  
1322 Mrs. Jones - The rest of it is a process yet to come.  
1323  
1324 Mr. Werner - Correct.  
1325  
1326 Mrs. Jones - You do understand that there are lots of hurdles in the  
1327 process yet to come.  
1328  
1329 Mr. Werner - Yes ma'am.  
1330  
1331 Mrs. Jones - Are there plans for the other parcels that you can share with  
1332 us?  
1333  
1334 Mr. Werner - Further upstream there's an approved permit—a permit going  
1335 through the approval process right now. But it's probably 200 feet upstream. But there's  
1336 just one here for now.  
1337  
1338 Mr. Leabough - When you say permit, what type of permit?  
1339  
1340 Mr. Werner - A building permit. There's an E and S plan going through  
1341 Public Works now, a FEMA plan. It would be the same—  
1342  
1343 Mr. Leabough - It's in the same position.  
1344  
1345 Mr. Werner - But it's not in the lower 50 feet. It's in the upper 50 feet.  
1346  
1347 Mrs. Jones - So it did not require an exception.  
1348  
1349 Mr. Werner - Correct, correct.  
1350  
1351 Mr. Leabough - It did or did not?  
1352  
1353 Mr. Werner - It did not. It's in the upper 50 feet of the buffer.  
1354  
1355 Mr. Archer - Sir, based on what you've heard here today from the  
1356 opposition, do you feel like you could have swayed some of their concerns if you all had  
1357 an opportunity to meet and discuss it?  
1358  
1359 Mr. Werner - I'm definitely open to that. I've talked with the builder; he said  
1360 he would be open to that. As far as the runoff, you know, we've actually redirected it  
1361 away from their lot.

1363 Mr. R. G. Williams - [Speaking off microphone.] You're building it into—  
1364  
1365 Mr. Archer - Sir, you can't talk.  
1366  
1367 Mr. Werner - So. But, yes, we would be open to a meeting on the site, you  
1368 know, at our office, wherever.  
1369  
1370 Mr. Archer - Okay, just curious.  
1371  
1372 Mrs. Jones - Well, that may be a good first step.  
1373  
1374 Mr. Witte - Mr. Werner, have you had experiences similar to this in other  
1375 areas?  
1376  
1377 Mr. Werner - Yes sir. I've been practicing engineering for 15 years and  
1378 have had many—in Henrico, Hanover, Chesterfield, the City of Richmond. A lot of  
1379 experience in dealing with these.  
1380  
1381 Mr. Witte - Okay, thank you. I have nothing further for Mr. Werner, but I'd  
1382 like to speak to Ms. Goggin. I have a question for her.  
1383  
1384 Ms. Goggin - Good morning.  
1385  
1386 Mr. Witte - Thank you, Ms. Goggin. Since the sign went up—actually the  
1387 information went out, has there been—have you received any information or requests for  
1388 information or comments from the public?  
1389  
1390 Ms. Goggin - Mr. Williams has come to the department, and I gave him  
1391 copies of the plans, and I sent him copies of the reports. Everything that I had available I  
1392 made available to him. He met with Robin Wilder out on site, I believe, on Thursday of  
1393 last week to help answer any questions he may have. He came in yesterday, and we  
1394 talked a little bit more. So I'm not sure what else I could provide.  
1395  
1396 Mr. Witte - Other than Mr. Williams, has there been any other interest?  
1397  
1398 Ms. Goggin - No, sir.  
1399  
1400 Mr. Witte - Okay. And he met on site with who?  
1401  
1402 Ms. Goggin - Robin Wilder from the Environmental Department.  
1403  
1404 Mr. Witte - Okay. The environmentalist.  
1405  
1406 Ms. Goggin - Yes sir.  
1407  
1408 Mr. Witte - Okay, thank you. I have nothing further, thank you.

1409  
+10 Mr. Leabough - I would just suggest that you all meet after the meeting to  
1411 kind of talk through some of your concerns, given that there are other steps in the  
1412 process. Before they get to that point, regardless of what decision that's made today,  
1413 maybe you all should talk through one, what your plans are. You could share with the  
1414 applicant what your concerns are. It would probably go a long way, regardless of what  
1415 decision is made here today.

1416  
1417 Mr. Emerson - I think that might be appropriate out in the foyer before the  
1418 adjacent leave, if you two gentlemen don't mind. And Mr. Perry, it might be helpful if you  
1419 were in that conversation as well.

1420  
1421 Mr. Leabough - Are there any other questions from the Commission?

1422  
1423 Mr. Witte - No, I don't have any at this time. Mr. Chairman, obviously this  
1424 has been an emotional case for Mr. Williams. My concern with the situation is that I feel  
1425 that denying this approval would effectively involve the taking of the property, as we  
1426 discussed earlier. We have rules, regulations, and laws in place to prevent damage—  
1427 unnecessary damage to the landscape and surrounding properties. But I think the  
1428 possibility of being seen as a taking of the property outweighs the concerns that were  
1429 presented.

1430  
1431 So, at this time, Mr. Chairman, I would move for conditional subdivision approval with the  
J2 exception for SUB2013-00195, Kildare Annex Block D Lots 15-17, as presented, subject  
1433 to the annotations on the plan and the standard conditions for subdivisions served by the  
1434 public utilities.

1435  
1436 Mr. Archer - I'll second to pass it.

1437  
1438 Mr. Leabough - Motion by Mr. Witte, second by Mr. Archer. All in favor say  
1439 aye. All opposed say no. The ayes have it; the motion passes.

1440  
1441 The Planning Commission granted approval of the Chesapeake Bay Resource  
1442 Protection Area Exception, Kildare Annex Block D Lots 15-17.

1443  
1444 Mr. Archer - Mr. Chairman, before we conclude, I still would like to see  
1445 you folks get together. You're not willing to?

1446  
1447 Mr. R. G. Williams - [Speaking off microphone.] No, sir. I don't want to get  
1448 together.

1449  
1450 Mr. Archer - Sir, that's my only question. I'm done.

1451  
1452 Mr. R. G. Williams - [Speaking off microphone.] I thought each person got to  
1453 speak for 10 minutes. I would have taken the whole 10 minutes.

1 1

1455 [Mumbling and talking.]  
1456  
1457 Mr. R. G. Williams - [Speaking off microphone.] You're just taking the RPA buffer  
1458 and if they're going to take that whole--  
1459  
1460 Ms. Forsgren - [Speaking off microphone.] Glen, Glen?  
1461  
1462 Mr. R. G. Williams - [Speaking off microphone.] Sir—  
1463  
1464 Ms. Forsgren - [Speaking off microphone.] Glen.  
1465  
1466 Mr. R. G. Williams - [Speaking off microphone.] I thought each of us got 10  
1467 minutes.  
1468  
1469 Mr. Emerson - Sir, sir?  
1470  
1471 Mr. Leabough - Sir?  
1472  
1473 Mr. R. G. Williams - [Speaking off microphone.] It reads that way in your rules.  
1474  
1475 Mr. Emerson - No.  
1476  
1477 Mr. R. G. Williams - [Speaking off microphone.] I thought if 50 people came here  
1478 we could talk—  
1479  
1480 Mr. Emerson - Sir.  
1481  
1482 Female - [Speaking off microphone.] Glen.  
1483  
1484 Mr. R. G. Williams - [Speaking off microphone.] I'm telling you—  
1485  
1486 Mr. Leabough - Please, sir.  
1487  
1488 Mr. Witte - Mr. Williams?  
1489  
1490 Mr. R. G. Williams - [Speaking off microphone.] By taking this [unintelligible] which  
1491 I blew—I blew this thing—I blew this [expletive] thing—  
1492  
1493 Ms. Forsgren - [Speaking off microphone.] Glen.  
1494  
1495 [Many overlapping voices.]  
1496  
1497 Mr. Emerson - Please remove him. Thank you.  
1498  
1499 Mr. R. G. Williams - [Speaking off microphone; yelling; unintelligible.]  
1500

1501 Mr. Emerson - Please remove him.  
1502  
1503 Mr. Leabough - Mr. Williams.  
1504  
1505 Mr. R. G. Williams - [Speaking off microphone.] I blew this because the RPA is  
1506 being taken back—  
1507  
1508 Mr. Emerson - Please remove him. Thank you. Mr. Williams.  
1509  
1510 [Much commotion, yelling, and screaming.]  
1511  
1512 Mr. R. G. Williams - [Yelling.] A 150-years-worth of trees.  
1513  
1514 Mr. Archer - Mr. Williams.  
1515  
1516 Mr. R. G. Williams - [Yelling.] They haven't--listen to me. I've had [unintelligible].  
1517 If I had [unintelligible] speak for 10 minutes, I would have spoke the whole 10 minutes.  
1518 What you got is wanton destruction! And I'm telling you, [unintelligible], it ain't gonna  
1519 happen. You got—  
1520  
1521 Ms. Forsgren - [Speaking off microphone.] Glen, Glen!  
1522  
1523 Mr. R. G. Williams - [Yelling.] You can't have this happen. By you doing it, Henrico  
1524 County is complicit in damaging the environment. You're going to completely  
1525 [unintelligible].  
1526  
1527 [Overlapping voices; unintelligible.]  
1528  
1529 Mr. Emerson - [Unintelligible] settled down.  
1530  
1531 Mr. R. G. Williams - [Yelling and screaming.] If I had known [unintelligible] 10  
1532 minutes, [unintelligible] 10 minutes. And now what you got—  
1533  
1534 **[Break in meeting.]**  
1535  
1536 **[Meeting resumes.]**  
1537  
1538 Mr. Leabough - I'll call this meeting back to order. Mr. Secretary, where are  
1539 we on the agenda. I became a little lost in there.  
1540  
1541 Mr. Emerson - Thank you, Mr. Chairman. We are now on pages 18 and  
1542 amended agenda page two. And also since this is a companion case, I am going to call  
1543 them together. So we will also be on page 20, amended agenda page two.  
1544  
1545 Mr. Leabough - It will require two actions.

1 5

1547 Mr. Emerson - Yes, sir, it will require two actions.

1548

1549

1550

1551

1552

1553

1554 **PLAN OF DEVELOPMENT**

1555

POD2013-00424  
Dominion Park at  
Wyndham Phase 1

**Youngblood, Tyler and Associates, P.C. for HHHunt Corporation:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 37 two-story detached residential condominium units for sale. The 9.89-acre site is located on the north line of Wyndham West Drive, approximately 1,350 feet north of its intersection with Pouncey Tract Road (State Route 271), on part of parcel 734-781-9430. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

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1557 **PLAN OF DEVELOPMENT**

1558

POD2013-00425  
Dominion Park at  
Wyndham Phase 2

**Youngblood, Tyler and Associates, P.C. for HHHunt Corporation:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 45 two-story detached residential condominium units for sale. The 14.08-acre site is located on the north line of Wyndham West Drive, approximately 1,350 feet north of its intersection with Pouncey Tract Road (State Route 271), on part of parcel 734-781-9430. The zoning is RTHC, Residential Townhouse District (Conditional), and R-3C, One-Family Residential District (Conditional). County water and sewer. **(Three Chopt)**

1559

1560 Mr. Leabough - Is there anyone here in opposition to POD2013-00424,  
1561 Dominion Park at Wyndham Phase 1 or POD2013-00425, Dominion Park at Wyndham  
1562 Phase 2? There is no opposition. Mr. Wilhite?

1563

1564 Mr. Wilhite - Thank you, sir. This project was originally submitted to us  
1565 back in 2009. It was to be developed in four phases with 93 total freestanding  
1566 condominium units. The re-submittal that's come to us now reduces that down to 82  
1567 units. It is to be developed in two phases, hence the reason for two PODs on the agenda  
1568 today.

1569

1570 There are eight models being proposed within this development. Five of them are the  
1571 single-family detached architectural design. Three of them are more of the freestanding  
1572 condominium units that we've seen in Wyndham developed so far, the shorter front  
1573 facades and deeper units.

1574  
1575 Layout concerns. Staff is fine with the layout that is shown both in phase one and phase  
1576 two. The concerns that staff had were more dealing with the architectural design. First of  
1577 all, we have units that are going to back up to Wyndham West Drive and to the adjacent  
1578 Ellington at Wyndham single-family development. The frontage along Wyndham West  
1579 Drive has two entrances into this. There are approximately eight units—seven to eight  
1580 units that back up to Wyndham West Drive. Staff had concerns about the architectural  
1581 treatment behind here. These eight different models have a number of variations on  
1582 façade design and floor plans. Some of the units do not have windows on some of the  
1583 sides. We want to make sure that there is sufficient architectural detailing facing the  
1584 public street, either enhancement of the architectural facades in the rear or addressing  
1585 the landscaping along the perimeter of the project can remedy staff's concerns on both  
1586 counts. So phase one you have Wyndham West Drive. Phase two, you have the same  
1587 condition adjacent to Ellington Woods Place. And there's roughly about six units or so in  
1588 that location where we have the same concern.

1589  
1590 In addition, staff does have concerns over the side treatments of end units in rows within  
1591 the development and the visibility to the interior drives. We have discussed this with the  
1592 developer. He has indicated that he's willing to address this. We believe we can handle it  
1593 with the building permit approvals and also the landscape approval as well. Page two of  
1594 your addendum shows #9 amended for both of these cases, which would require the  
1595 landscape plan to come back to the Planning Commission for approval. These issues  
1596 can be satisfactorily addressed at that time.

1597  
1598 Staff is in the position to recommend approval of both phase one and phase two with the  
1599 annotations on the plans and the standard conditions for developments of this type. If  
1600 you have any questions, I'd be happy to try to answer them for you right now.

1601  
1602 Mr. Archer - Mr. Wilhite, in both segments of the staff report dealing with  
1603 this case and the next one, there was a concern over the visibility of units backing up to  
1604 Wyndham Drive. Has that been satisfactorily abated?

1605  
1606 Mr. Wilhite - We have discussed that with the applicant, and he will  
1607 address them with the building permit. He has indicated there are actually design  
1608 guidelines in Wyndham that address these types of situation. Due to the amount of  
1609 variation in the units, we're not sure—we have to look at each unit individually to see if  
1610 those concerns are met.

1611  
1612 Mr. Archer - Okay.

1613  
1614 Mr. Wilhite - In addition, they can be done with a combination of both the  
1615 architectural design of the rears and additional landscaping behind these units as well.

1616  
1617 Mr. Archer - But you're fairly sure that you can do it.  
1618  
1619 Mr. Wilhite - We believe so. In discussing with the applicant, he's willing to  
1620 address these issues during the building permit approval and the landscape approval  
1621 process.  
1622  
1623 Mr. Archer - Okay.  
1624  
1625 Mr. Leabough - We're approving elevations today, though, right?  
1626  
1627 Mr. Wilhite - Yes. The original architectural drawings were about seventy pages in  
1628 length. We couldn't possibly put in all the different variations. We did note that some of  
1629 the side and rear facades had no windows in some cases, one window in another cases.  
1630 So we just wanted to make sure that you had adequate detailing, you wouldn't be facing  
1631 a blank wall or looking at a blank wall visible from surrounding property.  
1632  
1633 Mr. Leabough - I guess I'm kind of heading in the same direction as you,  
1634 Mr. Archer. I just want to make sure that we don't have a challenge at building permit  
1635 time.  
1636  
1637 Mr. Archer - Okay.  
1638  
1639 Mr. Wilhite - Yes. We've just provided you representative elevations in  
1640 each basic model that they propose out there.  
1641  
1642 Mr. Leabough - Thank you. Any other questions for Mr. Wilhite?  
1643  
1644 Mrs. Jones - Not for Mr. Wilhite.  
1645  
1646 Mr. Archer - I'd like to see the applicant for a second, Mr. Chairman, if you  
1647 don't mind.  
1648  
1649 Mr. Leabough - Yes. Would the applicant please come forward?  
1650  
1651 Mr. Browning - Good morning. I'm Andrew Browning with Youngblood, Tyler  
1652 and Associates, engineer.  
1653  
1654 Mr. Archer - Mr. Browning, thank you for coming up. As you know, I'm  
1655 handing this for Mr. Branin, so I want to make sure I cross all the t's and dot the i's.  
1656  
1657 Mr. Browning - Yes, sir.  
1658  
1659 Mr. Archer - Mr. Wilhite mentioned in his report about side treatments and  
1660 also the question I asked him about unit visibility backing up to Wyndham. What do you  
1661 have in mind as a way that you propose to address these two issues?

1662  
1663 Mr. Browning - I think we're going to get with the builder and address the  
1664 windows in the rear. And from what I understand from the developer—we've had these  
1665 discussions, and the builder is willing to make these changes. And we'll go with that at  
1666 building permit submittal. And then also we have to come in with a landscape plan. He'd  
1667 asked for some additional landscaping to buffer this as well. When we come in with the  
1668 landscape plan we'll address it at that time.

1669  
1670 Mr. Archer - Okay. And we have Condition #9 amended on both of them.  
1671 Okay. Ms. Jones, you had a question too?

1672  
1673 Mrs. Jones - No. I just wanted to make sure that that commitment was  
1674 firm.

1675  
1676 Mr. Browning - That's correct.

1677  
1678 Mr. Archer - That's what I was trying to find out. Anybody else? Thank  
1679 you, sir.

1680  
1681 Mr. Browning - Thank you.

1682  
1683 Mr. Leabough - Are there any other questions? If not, I think a motion would  
1684 be in order.

5  
1686 Mr. Archer - We have to do these separately I understand, right?

1687  
1688 Mr. Emerson - Yes, sir, if you would.

1689  
1690 Mr. Archer - Okay. Mr. Chair, I will move for approval of POD2013-00424,  
1691 Dominion Park at Wyndham Phase 1, subject to the annotations on the plan, standard  
1692 conditions, staff recommendation, and the following additional conditions #29 through  
1693 #37, and #9 amended as indicated on the addendum.

1694  
1695 Mrs. Jones - Second.

1696  
1697 Mr. Leabough - Motion by Mr. Archer, second by Mrs. Jones. All in favor say  
1698 aye. All opposed say no. The ayes have it; the motion passes.

1699  
1700 The Planning Commission approved POD2013-00424, Dominion Park at Wyndham  
1701 Phase 1, subject to the annotations on the plans, the standard conditions attached to  
1702 these minutes for developments of this type, and the following additional conditions:

1703  
1704 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of  
1705 Planning for review and Planning Commission approval prior to the issuance of any  
1706 occupancy permits.

1707 29. Prior to issuance of a certificate of occupancy for any building in this development,

1708 the engineer of record shall certify that the site has been graded in accordance  
1709 with the approved grading plans.

1710 30. Outside storage shall not be permitted.

1711 31. The proffers approved as a part of zoning case C-02C-08 shall be incorporated in  
1712 this approval.

1713 32. A note in bold lettering shall be provided on the erosion control plan indicating that  
1714 sediment basins or traps located within buildable areas or building pads shall be  
1715 reclaimed with engineered fill. All materials shall be deposited and compacted in  
1716 accordance with the applicable sections of the state building code and  
1717 geotechnical guidelines established by the engineer. An engineer's report  
1718 certifying the suitability of the fill materials and its compaction shall be submitted  
1719 for review and approval by the Director of Planning and Director of Public Works  
1720 and the Building Official prior to the issuance of any building permit(s) on the  
1721 affected sites.

1722 33. The pavement shall be of an SM-2A type and shall be constructed in accordance  
1723 with County standard and specifications. The developer shall post a defect bond  
1724 for all pavement with the Department of Planning - the exact type, amount and  
1725 implementation shall be determined by the Director of Planning, to protect the  
1726 interest of the members of the Homeowners Association. The defect bond shall  
1727 remain in effect for a period of three years from the date of the issuance of the  
1728 final occupancy permit. Prior to the issuance of the last Certificate of Occupancy,  
1729 a professional engineer must certify that the roads have been designed and  
1730 constructed in accordance with County standards.

1731 34. The location of all existing and proposed utility and mechanical equipment  
1732 (including HVAC units, electric meters, junction and accessory boxes,  
1733 transformers, and generators) shall be identified on the landscape plans. All  
1734 equipment shall be screened by such measures as determined appropriate by the  
1735 Director of Planning or the Planning Commission at the time of plan approval.

1736 35. Except for junction boxes, meters, and existing overhead utility lines, and for  
1737 technical or environmental reasons, all utility lines shall be underground.

1738 36. The unit house numbers shall be visible from the parking areas and drives.

1739 37. The names of streets, drives, courts and parking areas shall be approved by the  
1740 Richmond Regional Planning District Commission and such names shall be  
1741 included on the construction plans prior to their approval. The standard street name  
1742 signs shall be installed prior to any occupancy permit approval.

1743  
1744 Mr. Leabough - I believe a motion is in order for the second POD.

1745  
1746 Mr. Archer - Okay. The presentation will be essentially the same?

1747  
1748 Mr. Wilhite - It was done together, sir.

1749  
1750 Mr. Archer - Okay. Well in that case I will also move for approval of  
1751 POD2013-00425, Dominion Park at Wyndham Phase 2, subject to the annotations on  
1752 the plan, standard conditions, staff recommendation, and the following additional  
1753 conditions #29 through #37, and #9 amended as indicated on the addendum.

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Mrs. Jones - Second.

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

The Planning Commission approved POD2013-00425, Dominion Park at Wyndham Phase 2, 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.
29. Prior to issuance of a certificate of occupancy for any building in this development, the engineer of record shall certify that the site has been graded in accordance with the approved grading plans.
30. Outside storage shall not be permitted.
31. The proffers approved as a part of zoning case C-02C-08 shall be incorporated in this approval.
32. A note in bold lettering shall be provided on the erosion control plan indicating that sediment basins or traps located within buildable areas or building pads shall be reclaimed with engineered fill. All materials shall be deposited and compacted in accordance with the applicable sections of the state building code and geotechnical guidelines established by the engineer. An engineer's report certifying the suitability of the fill materials and its compaction shall be submitted for review and approval by the Director of Planning and Director of Public Works and the Building Official prior to the issuance of any building permit(s) on the affected sites.
33. The pavement shall be of an SM-2A type and shall be constructed in accordance with County standard and specifications. The developer shall post a defect bond for all pavement with the Department of Planning - the exact type, amount and implementation shall be determined by the Director of Planning, to protect the interest of the members of the Homeowners Association. The defect bond shall remain in effect for a period of three years from the date of the issuance of the final occupancy permit. Prior to the issuance of the last Certificate of Occupancy, a professional engineer must certify that the roads have been designed and constructed in accordance with County standards.
34. 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.
35. Except for junction boxes, meters, and existing overhead utility lines, and for technical or environmental reasons, all utility lines shall be underground.
36. The unit house numbers shall be visible from the parking areas and drives.

1799 37. The names of streets, drives, courts and parking areas shall be approved by the  
1800 Richmond Regional Planning District Commission and such names shall be  
1801 included on the construction plans prior to their approval. The standard street name  
1802 signs shall be installed prior to any occupancy permit approval.  
1803  
1804  
1805

1806 **PLAN OF DEVELOPMENT**  
1807

POD2013-00423 **Balzer and Associates, Inc. for The Towns at**  
The ~~Towns~~ **Ridgefield, LLC:** Request for approval of a plan of  
Ridgefield - 11135 development, as required by Chapter 24, Section 24-106  
Ridgefield Parkway of the Henrico County Code, to construct 23 three-story  
residential townhouses for sale. The 2.22-acre site is  
located at the southwest corner of the intersection of  
Ridgefield Parkway and Poplar Forest Drive, on parcel  
733-751-1145. The zoning is R-5, General Residential  
District. County water and sewer. **(Tuckahoe)**

1808  
1809 Mr. Leabough - Is there anyone here in opposition to POD2013-00423, The  
1810 Townes at Ridgefield? There is no opposition.  
1811

1812 Ms. Goggin - Good morning. This development was previously granted  
1813 conditional approval for 23 residential townhome lots at the October 23, 2013, Planning  
1814 Commission hearing. The site layout is consistent with that approval.  
1815

1816 The applicant provided architectural information showing a variety of quality building  
1817 materials including stone veneer, shake siding, and both horizontal and vertical siding  
1818 with accents including decorative garage doors, standing seam metal roof porches, and  
1819 window shutters to articulate the front façade of the units. And here is a color rendering.  
1820 The applicant provided a photo of the product that has been built in Northern Virginia. I  
1821 would like to note that the townhouse on the right is a two-car garage whereas the  
1822 product proposed today is only a single-car garage.  
1823

1824 The plan provides a pedestrian path constructed of asphalt, and it connects both parking  
1825 lots for easy connectivity. And here's one parking lot and the other. And so the path  
1826 would be along here outside of the right-of-way so people can get from one parking lot to  
1827 the other.  
1828

1829 The proposed layout complies with all applicable development requirements for  
1830 residential townhouse developments. Staff did receive one phone call from Bud  
1831 Matthews who is the father of Sherry Matthews who lives right here. He indicated that  
1832 they are not for this development, and they are concerned about the safety of residents  
1833 that walk on the road due to additional traffic that would be generated by this  
1834 development. Staff sent him packets and the reports for his information and spoke to him  
1835 yesterday to see if we could help him in any way.

1836  
 1837 Staff can recommend approval subject to the annotations on the plan, standard  
 1838 conditions for developments of this type, and additional conditions #29 through #37 in  
 1839 your agenda. Cameron Palmore, the engineer, Henry Shield, the developer, as well as a  
 1840 representative from Ryan Homes is here to answer any questions the Commission may  
 1841 have of them. And I am happy to answer any questions the Commission may have of  
 1842 me.  
 1843  
 1844 Mr. Leabough - Are there any questions for Ms. Goggin?  
 1845  
 1846 Mrs. Jones - Let me just double-check about sidewalks within this  
 1847 development.  
 1848  
 1849 Ms. Goggin - There are sidewalks in front of the units that go to the parking  
 1850 lot. There is an existing sidewalk along Ridgefield Parkway. There is not sidewalk along  
 1851 Poplar Forest Drive, but there will be an asphalt path to allow connectivity between the  
 1852 two parking lots depending on where you may live and where you may have to park.  
 1853  
 1854 Mrs. Jones - Okay. I heard you, but I wanted to double-check. Thank you.  
 1855 That was a discussion point earlier.  
 1856  
 1857 Ms. Goggin - Yes, ma'am.  
 1858  
 1859 Mrs. Jones - Yes. Okay. I have no more questions for Ms. Goggin.  
 1860  
 1861 Mr. Leabough - Would you like to hear from the applicant?  
 1862  
 1863 Mrs. Jones - I would. I have several choices, I think. The representative  
 1864 from Ryan Homes since that's basically my question.  
 1865  
 1866 Mr. Lanphear - Good morning. Rob Lanphear from Ryan Homes. I'd be  
 1867 happy to answer any questions.  
 1868  
 1869 Mrs. Jones - Mr. Lanphear, thanks for being here this morning. And as we  
 1870 discussed briefly during the break, I just wanted to discuss on the record. This is an  
 1871 attractive product. I look forward to having it here in our district. I just wanted to confirm  
 1872 with you that the color palette used for this product line here will be consistent with the  
 1873 tones found in your brick—excuse me—the stone veneers and basically earth colors,  
 1874 nothing too bright. Is that the intention? Is that what you normally do with this product?  
 1875  
 1876 Mr. Lanphear - Yes. The colors and renderings that you see are for  
 1877 illustrative purposes, and we'll have to make all the color palettes consistent with the  
 1878 architectural features of the homes. I'm very excited about doing this. We've done this  
 1879 out in The Villas at Hunton Park project. The customers and market have had a great  
 1880 response to it, so. That's correct.

1882 Mrs. Jones - Good. I think it's an attractive product. It has a lot of detail.  
1883 And it is hopefully a very nice addition to this area. We did also talk about the fact that  
1884 because this is tucked into an area that's already developed I would like to have the  
1885 landscaping and lighting come back to us. As you've seen, that is a normal process here.  
1886 So do you agree to that?  
1887  
1888 Mr. Lanphear - I would defer to the engineer on that question.  
1889  
1890 Mrs. Jones - Okay. When you call your projects the Towns at—whatever—  
1891 is that with or without an "e"?  
1892  
1893 Mr. Lanphear - You know, it's funny. We had a discussion about this. We will  
1894 use the "e" in this particular project. T-o-w-n-e-s.  
1895  
1896 Mrs. Jones - You know, I'm an old English teacher, what can I tell you, so.  
1897 Thank you.  
1898  
1899 Mr. Lanphear - Great.  
1900  
1901 Mrs. Jones - Great, I know. All right. If the engineer would come on down.  
1902  
1903 Mr. Palmore - Good morning members of the Planning Commission and Mr.  
1904 Chairman. My name is Cameron Palmore from Balzer and Associates. I believe the  
1905 question was the amended #9 and #11 for landscaping and lighting.  
1906  
1907 Mrs. Jones - Right.  
1908  
1909 Mr. Palmore - Yes, we are agreeable to bring the landscape and lighting  
1910 plan back to the Planning Commission.  
1911  
1912 Mrs. Jones - Yes, I do want to do that. You know, I was wondering. What  
1913 is the timing on this, do you know?  
1914  
1915 Mr. Palmore - Hopefully we're going to get started this spring, if we can get  
1916 all the construction documents on line. We'd like to bring it to construction site work this  
1917 spring.  
1918  
1919 Mrs. Jones - And how long do you think it would take?  
1920  
1921 Mr. Palmore - Hopefully, if we could get it under construction, the site work  
1922 this spring, that they would be building townhomes this fall.  
1923  
1924 Mrs. Jones - That's pretty fast. Okay. All right, thank you. I just wanted to  
1925 go ahead and confirm that we will be doing that.  
1926  
1927 Mr. Leabough - Are there any other questions for Mr. Palmore?

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Mr. Palmore - Thank you.

Mr. Leabough - How would you like to proceed, Mrs. Jones?

Mrs. Jones - I would like to make a motion. I would like to move for approval of POD2013-00423, The Townes at Ridgefield. This is subject to the annotations that have been made on the plan, the standard conditions for developments of this type, and the additional conditions #29 through #37 that are listed in the agenda in addition to #9 and #11 amended, added this morning.

Mr. Archer - Second.

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

The Planning Commission approved POD2013-00423, The Townes at Ridgefield, subject to the annotations on the plans, the standard conditions attached to these minutes for developments of this type, and the following additional conditions:

- 9A. **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.
- 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.
- 29. The subdivision plat for The **Townes Townes** at Ridgefield shall be recorded before any building permits are issued.
- 30. Prior to issuance of a certificate of occupancy for any building in this development, the engineer of record shall certify that the site has been graded in accordance with the approved grading plans.
- 31. A 15-foot planting strip to preclude ingress or egress along the south side of Ridgefield Parkway shall be shown on the approved plans. The details shall be included with the required landscape plans for review and approval.
- 32. A note in bold lettering shall be provided on the erosion control plan indicating that sediment basins or traps located within buildable areas or building pads shall be reclaimed with engineered fill. All materials shall be deposited and compacted in accordance with the applicable sections of the state building code and geotechnical guidelines established by the engineer. An engineer's report certifying the suitability of the fill materials and its compaction shall be submitted for review and approval by the Director of Planning and Director of Public Works and the Building Official prior to the issuance of any building permit(s) on the affected sites.
- 33. Before the construction plan is approved, the developer shall submit to the Department of Public Works and the Department of Planning a report prepared by

- 1974 a qualified professional engineer specifying the proposed treatment of mine shafts  
 1975 and scars.
- 1976 34. The pavement shall be of an SM-2A type and shall be constructed in accordance  
 1977 with County standard and specifications. The developer shall post a defect bond  
 1978 for all pavement with the Department of Planning - the exact type, amount and  
 1979 implementation shall be determined by the Director of Planning, to protect the  
 1980 interest of the members of the Homeowners Association. The defect bond shall  
 1981 remain in effect for a period of three years from the date of the issuance of the  
 1982 final occupancy permit. Prior to the issuance of the last Certificate of Occupancy,  
 1983 a professional engineer must certify that the roads have been designed and  
 1984 constructed in accordance with County standards.
- 1985 35. Approval of the construction plans by the Department of Public Works does not  
 1986 establish the curb and gutter elevations along the Henrico County maintained  
 1987 right-of-way. The elevations will be set by Henrico County.
- 1988 36. The location of all existing and proposed utility and mechanical equipment  
 1989 (including HVAC units, electric meters, junctions and accessory boxes,  
 1990 transformers, and generators) shall be identified on the landscape plan. All  
 1991 building mounted equipment shall be painted to match the building, and all  
 1992 equipment shall be screened by such measures as determined appropriate by the  
 1993 Director of Planning or the Planning Commission at the time of plan approval.
- 1994 37. Except for junction boxes, meters, and existing overhead utility lines, and for  
 1995 technical or environmental reasons, all utility lines shall be underground.  
 1996

1997 **PLAN OF DEVELOPMENT**  
 1998

POD2013-00427 Popeyes at Parham One Shopping Center - 8151 Brook Road (U.S. Route 1)	<b>Balzer and Associates, Inc. for Parham Shopping          Center, LLC and Richpop Parham One, LLC:</b> Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a 2,695 square-foot restaurant with drive- through service. The 0.67-acre site is located in an existing shopping center on the east line of Brook Road (U.S. Route 1), approximately 350 south of E. Parham Road, on part of parcel 784-756-6908. The zoning is B-3, Business District. County water and sewer. <b>(Fairfield)</b>
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1999  
 2000 Mr. Leabough - Is there anyone here in opposition to POD2013-00427,  
 2001 Popeyes at Parham One Shopping Center? There is no opposition. Ms. Crady?  
 2002

2003 Ms. Crady - Good morning again. The proposed plan would permit a  
 2004 drive-through fast food restaurant in the existing Parham One Shopping Center parking  
 2005 lot area. The specific site is located in front of the Big Lots retail store adjacent to Brook  
 2006 Road. Architectural design and materials are compatible. Let me get you the color  
 2007 rendering here. They are compatible with the adjacent shopping center. The building will  
 2008 be primarily EIFS with a stone knee wall base.  
 2009

2010 Staff recommends approval subject to the annotations on the plans, the standard  
2011 conditions for shopping centers and developments of this type, and additional conditions  
2012 #29 through #37 in your agenda.

2013  
2014 Chris Shust is here from Balzer and Associates, and Pedro Lujan is here from Popeyes.  
2015 They can answer any questions you may have of the applicant.

2016  
2017 Mr. Leabough - Are there any questions for Ms. Crady? Thank you,  
2018 Ms. Crady. Mr. Archer?

2019  
2020 Mr. Archer - I don't actually have any questions for the applicant unless  
2021 someone else has one. I discussed this with Ms. Crady last week. It seemed like it was a  
2022 little tight at first, but it fits okay. And Aimee did recommend the red beans and rice, and I  
2023 had some the same night.

2024  
2025 Mr. Archer - It seems like I was just telling her that since we passed the  
2026 food tax we have a lot of food places opening up in Henrico, which is good. So with that,  
2027 Mr. Chairman, I will move for approval of POD2013-00427, Popeyes at Parham One  
2028 Shopping Center, subject to the plan annotations, the standard conditions for shopping  
2029 centers and developments of this type, and additional conditions #29 through #37.

2030  
2031 Mrs. Jones - Second.

2032  
2033 Mr. Leabough - Motion by Mr. Archer, second by Mrs. Jones. All in favor say  
2034 aye. All opposed say no. The ayes have it; the motion passes.

- 2035  
2036 29. Only retail business establishments permitted in a B-3 zone may be located in this  
2037 center.
- 2038 30. The ground area covered by all the buildings shall not exceed in the aggregate 25  
2039 percent of the total site area.
- 2040 31. No merchandise shall be displayed or stored outside of the building(s) or on  
2041 sidewalk(s).
- 2042 32. A concrete sidewalk meeting VDOT standards shall be provided along the east  
2043 side of Brook Road (U.S. Route 1).
- 2044 33. Outside storage shall not be permitted.
- 2045 34. The developer shall install an adequate restaurant ventilating and exhaust system  
2046 to minimize smoke, odors, and grease vapors. The plans and specifications shall  
2047 be included with the building permit application for review and approval. If, in the  
2048 opinion of the County, the type system provided is not effective, the Commission  
2049 retains the rights to review and direct the type of system to be used.
- 2050 35. In the event of any traffic backup which blocks the public right-of-way as a result  
2051 of congestion caused by the drive-up facilities, the owner/occupant shall close the  
2052 drive-up facilities until a solution can be designed to prevent traffic backup.
- 2053 36. Evidence of a joint ingress/egress and maintenance agreement must be  
2054 submitted to the Department of Planning and approved prior to issuance of a  
5 certificate of occupancy for this development.

2056 37. The location of all existing and proposed utility and mechanical equipment  
2057 (including HVAC units, electric meters, junctions and accessory boxes,  
2058 transformers, and generators) shall be identified on the landscape plan. All  
2059 building mounted equipment shall be painted to match the building, and all  
2060 equipment shall be screened by such measures as determined appropriate by the  
2061 Director of Planning or the Planning Commission at the time of plan approval.  
2062

2063 **PLAN OF DEVELOPMENT, LIGHTING PLAN, AND TRANSITIONAL BUFFER**  
2064 **DEVIATION**  
2065

POD2013-00322  
West Broad Honda Car  
Storage - 7108 Through  
7112 Fountain Avenue,  
and 7100 W. Broad Street  
(U.S. Route 250)

**E.D. Lewis and Associates, P.C. for J&L Associates:**  
Request for approval of a plan of development, lighting  
plan, and transitional buffer deviation, as required by  
Chapter 24, Section 24-106 and Section 24-106.2 of the  
Henrico County Code, to expand the vehicle storage lot at  
an existing car dealership. The transitional buffer deviation  
reduces the width of the transitional buffer between the B-  
3C and R-4 zoning along the northeast property line. The  
0.6-acre portion of the 7.546-acre site is located on the  
east line of W. Broad Street (U.S. Route 250), the south  
line of Deep Run Avenue, and the west line of Harrison  
Avenue, on parts of parcels 767-747-1497, 767-747-1593,  
767-747-1789, 767-747-0666, 767-747-3785, 766-747-  
9561, and 767-747-2250. The zoning is B-3, Business  
District, and B-3C, Business District (Conditional). County  
water and sewer. **(Brookland)**

2066  
2067 Mr. Leabough - Is there anyone here in opposition to the plan of  
2068 development, lighting plan, and transitional buffer deviation for POD2013-00322, West  
2069 Broad Honda Car Storage? There is no opposition, Ms. Crady.  
2070

2071 Ms. Crady - All right. This plan of development request would allow the  
2072 applicant to expand the car sales storage lot operation adjacent to the existing sales lot  
2073 at West Broad Honda. This plan, as shown requires consideration of a transitional buffer  
2074 deviation along the northeast property line adjacent to an R-4 zone. A transitional buffer  
2075 35-feet wide is typically required along this perimeter. But a transitional buffer deviation  
2076 may be granted by the Planning Commission at the Commission's discretion. The  
2077 applicant requests the buffer be reduced from 35-feet in width to 10-feet wide with a six-  
2078 foot opaque composite fence. Some portions of the perimeter fence are constructed of  
2079 wood board; however, there is a revised plan in your addendum that provides new labels  
2080 that stipulate any fence that will be relocated or newly placed on the property will be of  
2081 composite construction. And I have a sample here that you can pass down if you like.  
2082

2083 A transitional buffer deviation of the same character was granted on this site by the  
2084 Planning Commission in 2001 along the border east of the current request. And that is  
2085 this section here in the center.

2086  
2087 The newly proposed lighting is included in this plan as well and is proposed to be LED  
2088 fixtures with concealed source pole lighting mounted at 20 feet from grade. House side  
2089 shields are going to be installed on the fixtures to provide additional glare protection.  
2090 Staff has no objection to the lighting plan.

2091  
2092 A landscape plan is provided for informational purposes. There will be supplemental  
2093 planting on the inside of the fence. The area outside of the fence will remain natural  
2094 along Deep Run Avenue.

2095  
2096 Staff has no objection to the transitional buffer deviation request. Should the Commission  
2097 approve the transitional buffer deviation, staff recommends approval to the POD subject  
2098 to the annotations on the plan, standard conditions for developments of this type, and  
2099 additional conditions #11B, #29, and #30 in your agenda.

2100  
2101 Monte Lewis with E. D. Lewis and Associates is here to answer any questions you may  
2102 have of the applicant. And I'm happy to have any questions you may have of staff.

2103  
2104 Mr. Leabough - Any questions for Ms. Crady?

2105  
2106 Mr. Witte - Ms. Crady, I do have a question.

2107  
2108 Ms. Crady - Yes, sir.

2109  
2110 Mr. Witte - I neglected in our meeting earlier this week to ask you what—  
2111 do you know what kind of warranty is on that fence?

2112  
2113 Ms. Crady - I have a pamphlet. I could have Monte come down and give a  
2114 little more information. I know that they installed it at the Jewish Community Center on  
2115 Monument Avenue, and they've received compliments.

2116  
2117 Mr. Witte - It looks great. I just wondered what the durability was.

2118  
2119 Ms. Crady - I can share the pamphlet with you or—no idea from the  
2120 applicant.

2121  
2122 Mr. Witte - Okay. Thank you.

2123  
2124 Ms. Crady - Okay.

2125  
2126 Mr. Leabough - Would you like to have the applicant come down?

2127  
2128 Mr. Witte - Yes, please.

2129  
2130 Mr. Leabough - Would the applicant please come forward?

1

2132 Mr. Lewis - My name is Monte Lewis. I'm with Lewis and Associates. I'm  
2133 here to answer any of your questions.  
2134  
2135 Mr. Archer - Hello, Mr. Lewis.  
2136  
2137 Mr. Lewis - Hopefully my deviation will be a little bit calmer than the other  
2138 one we just had.  
2139  
2140 Mrs. Jones - There are no guarantees.  
2141  
2142 Mr. Leabough - I believe there's a question regarding the warranty of the vinyl  
2143 fencing.  
2144  
2145 Mr. Lewis - Yes sir. I do not know that. I would have to look in the  
2146 literature to let you know.  
2147  
2148 Mr. Witte - Do you have any experience with this particular type fencing?  
2149  
2150 Mr. Lewis - No sir. We were looking at a different type of material that you  
2151 just can get at any of the Lowe's or Home Depots that was a thinner half-inch board that  
2152 was a material that's kind of like the Trex material. And then when we talked to our fence  
2153 installer, he recommended this because he has just put some of this up. One of them  
2154 was at JCC and it does look really good. When I got the samples, I was concerned that it  
2155 wasn't strong enough. But what they do at the post is put either steel inserts or pressure-  
2156 treat it to make it sturdy. That relieved my fears. And they do have a cap on it, as you  
2157 saw at JCC, that really finishes it off so you don't have that open honeycomb look on it.  
2158  
2159 Mr. Witte - Okay, well thank you.  
2160  
2161 Mr. Archer - There is a website mentioned on here, by the way:  
2162 [www.certainteed.com](http://www.certainteed.com).  
2163  
2164 Mrs. Jones - My concern on transitional buffer deviations are always yes, I  
2165 know the fence will do some things that we're looking to accomplish, but I think the  
2166 vegetation does just as much if not more to make the transitional buffer effective and  
2167 attractive. So I guess I would encourage that to be as full, varied, and attractive as  
2168 possible, even though the fencing will do a lot visually. That's always been my concern  
2169 with these deviations.  
2170  
2171 Mr. Lewis - Yes, ma'am. Just another. The deviation on that side is really  
2172 to have it so it looks the same as with the deviation that was granted back in—when was  
2173 it, '01? 2001.  
2174  
2175 Mrs. Jones - That was before my time.  
2176

2177 Mr. Lewis - Yes, that was—I actually still had the case then. Mr.  
2178 Vanarsdall I think was on the Commission at that time.

2179  
2180 Mr. Leabough - Any other questions for Mr. Lewis?

2181  
2182 Mr. Witte - No, sir.

2183  
2184 Mr. Leabough - All right. Thank you, Mr. Lewis.

2185  
2186 Mr. Lewis - Thanks.

2187  
2188 Mr. Witte - All right, Mr. Chairman, I move approval of POD2013-00322,  
2189 West Broad Honda Car Storage, with the lighting plan and transitional buffer as  
2190 presented, subject to the annotations on the plans, the standard conditions for  
2191 developments of this type, and additional conditions #11B, #29 and #30, as shown on  
2192 the agenda, and the revised plans as noted in the agenda. Thank you.

2193  
2194 Mrs. Jones - Second.

2195  
2196 Mr. Leabough - Motion by Mr. Witte, second by Mrs. Jones. All in favor say  
2197 aye. All opposed say no. The ayes have it; the motion passes.

2198  
2199 The Planning Commission approved POD2013-00322, West Broad Honda Car Storage,  
200 subject to the annotations on the plans, the standard conditions attached to these  
2201 minutes for developments of this type, and the following additional conditions:

2202  
2203 11B. Prior to the approval of an electrical permit application and installation of the site  
2204 lighting equipment, a plan including light spread and intensity diagrams, and fixture  
2205 specifications and mounting heights details shall be revised as annotated on the  
2206 staff plan and included with the construction plans for final signature.

2207 29. The right-of-way for widening of Deep Run Avenue as shown on approved plans  
2208 shall be dedicated to the County prior to any occupancy permits being issued. The  
2209 right-of-way dedication plat and any other required information shall be submitted  
2210 to the County Real Property Agent at least sixty (60) days prior to requesting  
2211 occupancy permits.

2212 30. The proffers approved as a part of zoning cases C-10C-01, C-38C-01, C-10C-08,  
2213 and C-26C-94 shall be incorporated in this approval.

2214  
2215  
2216  
2217  
2218  
2219

2220 **PLAN OF DEVELOPMENT**

2221 **POD2013-00421 McKinney and Company for Commonwealth**

West Broad Street  
Apartments at 12400 W.  
Broad Street - 12400 W.  
Broad Street (U.S. Route  
250)

**Properties, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 15 one- to four-story buildings containing 320 dwelling units, a 3,660 square-foot community center, a 1,970 square-foot leasing center, a 1,020 square-foot maintenance building with a car wash, and a 1,745 square-foot seven-bay garage. The 20.53-acre site is located north of W. Broad Street (U.S. Route 250), and adjacent to Interstate 64, approximately 3,500 feet west of the intersection of W. Broad Street (U.S. Route 250) and N. Gayton Road, on part of parcel 730-765-7288. The zoning is R-6C, General Residential District (Conditional), and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

- 2222  
2223 Mr. Leabough - Is there anyone here in opposition to POD2013-00421, West  
2224 Broad Street Apartments at 12400 W. Broad Street? There is no opposition. Mr. Pambid.  
2225  
2226 Mr. Pambid - Good morning. The plan proposes 11 apartment buildings  
2227 containing 320 dwelling units and four separate buildings for a leasing center, a  
2228 community center, a seven-unit garage, and a maintenance building with carwash  
2229 station.  
2230  
2231 This POD is the first plan submitted pursuant to the 12400 West Broad Street  
2232 infrastructure plan approved by the Planning Commission on July 24, 2013. The  
2233 infrastructure construction plans are currently under review by the county staff. The  
2234 proffers of zoning case C-18C-12 apply.  
2235  
2236 It should be noted that the construction of the entrance road and easternmost access  
2237 road is required prior to the issuance of a Certificate of Occupancy per proffers as stated  
2238 in Condition #38. On the screen here, this is the main loop road, and this is the eastern  
2239 access road.  
2240  
2241 Staff has requested additional pedestrian connections throughout as shown on the site  
2242 exhibit proffered in the zoning case, which shows trails connecting the various proposed  
2243 developments within the overall 12400 West Broad Street site. Sidewalk connections  
2244 have also been requested internally, specifically around the boulevard entrance and  
2245 roundabout, as well as near Buildings 10 and 14.  
2246  
2247 Eight distinct residential building types are proposed with various footprints, layouts,  
2248 heights, and massing. Eight of the eleven buildings are three or four stories tall, with the  
2249 remaining three buildings featuring a carriage house design. This is a two-story design  
2250 with residential units above and garages below.  
2251

2252 Building materials and colors include man-made stone, hard coat stucco, cementitious  
2253 panels and batten strips, and architectural shingles. A palette of earth tone and muted  
2254 colors is proposed for all buildings.

2255  
2256 Various amenities are featured in the proposal. Two pools, a playground, and trails are  
2257 also included on site. This elevation illustrates the community center. According to the  
2258 developer, the community center is intended to serve other residential elements of the  
2259 overall 12400 West Broad Street site.

2260  
2261 Staff recommends approval, subject to the annotations on the plans, the standard  
2262 conditions for developments of this type, and additional conditions #29 through #41 in your  
2263 agenda. This concludes my presentation. I can now field any questions you may have  
2264 regarding this. Engineer Stuart Groseclose with McKinney and Company and the applicant,  
2265 Steve Middleton, are also here.

2266  
2267 Mr. Leabough - Are there any questions for Mr. Pambid?

2268  
2269 Mr. Kaechele - You mentioned the carwash and the maintenance building.

2270  
2271 Mr. Pambid - Yes, sir.

2272  
2273 Mr. Kaechele - Could you explain how that works? I mean, it's for the  
2274 residents. Is there a charge or?

5  
2276 Mr. Pambid - I couldn't tell you if there's a charge for the carwash, but the  
2277 maintenance building is just part of the overall apartment. You know, just the typical  
2278 maintenance function for property management.

2279  
2280 Mr. Emerson - Mr. Kaechele, the applicant, Mr. Middleton, is shaking his  
2281 head. There's no charge for that. It's for the use of the residents.

2282  
2283 Mr. Kaechele - How about the maintenance facility? That's for the  
2284 management?

2285  
2286 Mr. Middleton - [Speaking off microphone; inaudible.]

2287  
2288 Mr. Emerson - Mr. Middleton, would you mind coming down and stating your  
2289 name for the record? And perhaps you can assist Mr. Pambid.

2290  
2291 Mr. Middleton - Good morning. I'm Steve Middleton with Commonwealth  
2292 Properties. The maintenance building is there for the staff. And there's a carport type  
2293 area on one side of it, which serves as the carwash for the residents. But there's no  
2294 charge to use the carwash. It's to keep people from—

2295  
2296 Mr. Kaechele - But it's operated by the resident themselves.

7

2298 Mr. Middleton - Yes. There is no mechanical equipment there. It's basically a  
2299 bay with a hose bib and a spray hose.  
2300  
2301 Mr. Kaechele - Okay. Thank you.  
2302  
2303 Mr. Leabough - Any other questions for Mr. Middleton?  
2304  
2305 Mrs. Jones - Well, for Mr. Pambid. Tell me again about the review of the  
2306 infrastructure construction plans. Is that complete at this point?  
2307  
2308 Mr. Pambid - No ma'am. They just completed their second review of the  
2309 construction plans. There are several comments from the Department of Public Works  
2310 and Public Utilities that still need to be addressed. They will end up submitting for a third  
2311 time for a third review.  
2312  
2313 Mrs. Jones - But that won't affect the wisdom of our decisions at the  
2314 moment. It won't affect this plan.  
2315  
2316 Mr. Pambid - No. The primary tie-in between the infrastructure plan and the  
2317 apartments is the construction of—well obviously of the utilities, but also the streets that  
2318 are shown here on the screen, the main loop road and then the east access road.  
2319  
2320 Mrs. Jones - And that will not change.  
2321  
2322 Mr. Pambid - No, that will not change.  
2323  
2324 Mrs. Jones - Okay. I just didn't know if we were getting the cart before the  
2325 horse here.  
2326  
2327 Mr. Leabough - Are there any other questions? Mr. Archer?  
2328  
2329 Mr. Archer - I have none. Mr. Chairman, Mr. Branin indicated that he was  
2330 satisfied with the completion of what we received today. Mr. Kaechele, did you have  
2331 anything else you wanted to add?  
2332  
2333 Mr. Kaechele - No.  
2334  
2335 Mr. Archer - Okay. Well then with that, Mr. Chairman, I will move for  
2336 approval of POD2013-00421, West Broad Street Apartments at 12400 W. Broad Street,  
2337 subject to the annotations on the plan, staff recommendation, and the additional  
2338 conditions #29 through #41. Was this an addendum item this morning or this is the one  
2339 that came out late?  
2340  
2341 Mrs. Jones - It didn't come in our packets.  
2342

2343 Mr. Archer - I remember. I got them here somewhere. Okay, that's my  
2344 motion, Mr. Chairman.

2345  
2346 Mrs. Jones - Second.

2347  
2348 Mr. Leabough - Motion by Mr. Archer, second by Mrs. Jones. All in favor say  
2349 aye. All opposed say no. The ayes have it; the motion passes.

2350  
2351 The Planning Commission granted conditional approval to POD2013-00421, West Broad  
2352 Street Apartments at 12400 W. Broad Street, subject to the annotations on the plans, the  
2353 standard conditions attached to these minutes for developments of this type, and the  
2354 following additional conditions:

- 2355  
2356 29. The unit house numbers shall be visible from the parking areas and drives.  
2357 30. The names of streets, drives, courts and parking areas shall be approved by the  
2358 Richmond Regional Planning District Commission and the Director of Planning, and  
2359 such names shall be included on the construction plans prior to their approval. The  
2360 standard street name signs shall be installed prior to any occupancy permit  
2361 approval.  
2362 31. The subdivision plat for the right-of-way dedication for the public portion of the  
2363 main loop road between West Broad Street and the first internal intersection shall  
2364 be recorded before a Certificate of Occupancy is issued.  
2365 32. Prior to issuance of a certificate of occupancy for any building in this development,  
2366 the engineer of record shall certify that the site has been graded in accordance  
2367 with the approved grading plans.  
2368 33. Outside storage shall not be permitted.  
2369 34. The proffers approved as a part of zoning case C-18C-12 shall be incorporated in  
2370 this approval.  
2371 35. A construction staging plan which includes details for traffic control, fire protection,  
2372 stockpile locations, construction fencing and hours of construction shall be  
2373 submitted for County review and prior to the approval of any final construction  
2374 plans.  
2375 36. Evidence of a joint ingress/egress and maintenance agreement must be  
2376 submitted to the Department of Planning and approved prior to issuance of a  
2377 certificate of occupancy for this development.  
2378 37. The location of all existing and proposed utility and mechanical equipment  
2379 (including HVAC units, electric meters, junction and accessory boxes,  
2380 transformers, and generators) shall be identified on the landscape plans. All  
2381 equipment shall be screened by such measures as determined appropriate by the  
2382 Director of Planning or the Planning Commission at the time of plan approval.  
2383 38. In accordance with Proffer #11 of zoning case C-18C-12, the entrance road and  
2384 the eastern-most access road shall be constructed prior to the issuance of any  
2385 Certificates of Occupancy for this site.  
2386 39. A note in bold lettering shall be provided on the erosion control plan indicating that  
2387 sediment basins or traps located within buildable areas or building pads shall be  
3 reclaimed with engineered fill. All materials shall be deposited and compacted in

- 2389 accordance with the applicable sections of the state building code and  
 2390 geotechnical guidelines established by the engineer. An engineer's report  
 2391 certifying the suitability of the fill materials and its compaction shall be submitted  
 2392 for review and approval by the Director of Planning and Director of Public Works  
 2393 and the Building Official prior to the issuance of any building permit(s) on the  
 2394 affected sites.
- 2395 40. The limits and elevations of the **Special Flood Hazard Area** shall be  
 2396 conspicuously noted on the plan and labeled "**Limits of Special Flood Hazard**  
 2397 **Area.**" In addition, the delineated **Special Flood Hazard Area** must be labeled  
 2398 "Variable Width Drainage and Utility Easement." The easement shall be granted  
 2399 to the County prior to the issuance of any occupancy permits.
- 2400 41. In order to maintain the effectiveness of the County's public safety radio  
 2401 communications system within buildings, the owner will install radio equipment  
 2402 that will allow for adequate radio coverage within the building, unless waived by  
 2403 the Director of Planning. Compliance with the County's emergency  
 2404 communication system shall be certified to the County by a communications  
 2405 consultant within ninety (90) days of obtaining a certificate of occupancy. The  
 2406 County will be permitted to perform communications testing in the building at  
 2407 anytime.

2408 **PLAN OF DEVELOPMENT**

2409 **POD2013-00320** **Sekiv Solutions for Shivenil, LLC:** Request for approval  
 2410 **Patel Plaza - 2600** of a plan of development, as required by Chapter 24,  
 Tuckernuck Drive shopping center with a one-story, 14,800 square-foot  
 grocery/retail building. The 2.92-acre site is located at the  
 northern terminus of Tuckernuck Drive, approximately 850  
 feet north of W. Broad Street (U.S. Route 250), on parcel  
 758-757-2065. The zoning is B-2, Business District.  
 County water and sewer. **(Brookland)**

2411  
 2412 **Mr. Leabough -** Is there anyone here in opposition to POD2013-00320, Patel  
 2413 **Plaza?** There is no opposition. Mr. Pambid?

2414  
 2415 **Mr. Pambid -** This proposal is for a 14,780-square-foot shopping center  
 2416 containing three tenant spaces with the flexibility for a fourth space. A revised layout  
 2417 has been provided in the addendum.

2418  
 2419 A community meeting was held on January 6, 2014, to gather adjacent property owner  
 2420 input, during which four adjacent property owners indicated their three primary concerns  
 2421 were trespassing on the subject parcel, the condition of the existing on-site BMP, and  
 2422 screening between their residences and the proposed development. The BMP will be  
 2423 cleaned and made functional as part of the Department of Public Works' approval.  
 2424 Screening will be addressed through a required 25-foot transitional buffer to the rear of  
 2425 the building and a six-foot fence.

2426  
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2470

In the addendum are revised architectural with floor plans, elevations with correct orientations, and colors and materials information. The building materials and colors include off-white and almond EIFS, red large brisk, off-white PVC columns, and green metal and fabric canopies.

The anchor tenant spaces are arranged and proposed to accommodate a medium-sized grocery store. According to the applicant, tenants for the smaller storefronts have not been determined.

Staff recommends approval subject to the annotations on the plans, the standard conditions for developments of this type, and the additional conditions #29 through #34 in the agenda. This concludes my presentation. I can now field any questions you may have regarding this. Chris Thompson of Sekiv Solutions and George Gray with Gray Construction and Realty, both representing the applicant, are also here.

Mr. Leabough - I know you have a question, Mrs. Jones. Probably the same question that I have.

Mrs. Jones - I am so sorry. I just—well, may not be. This is a little different. Mr. Pambid, did a citizen—his parents live behind this development—call you within the last couple days?

Mr. Pambid - No, ma'am.

Mrs. Jones - Yesterday or today?

Mr. Pambid - No.

Mrs. Jones - Okay. The reason I ask is this—and I'll go ahead and relay her concern to see if it's been addressed. As I was cruising around looking at these cases, she happened to flag me down, and we had a conversation where I happily gave her your number and Mr. Witte's. The concern she had was an access area that almost looks like a stub street that comes up to the back near this area. She was concerned that there would be any connectivity with Huron Avenue, and I see none. Is that accurate?

Mr. Pambid - That's not accurate. She may be referring to an eight-foot utility easement. I believe there is eight feet on either side. I'll try to zoom in here.

Mrs. Jones - Actually, it's much wider than eight feet.

Mr. Pambid - Okay.

Mrs. Jones - It's paved and it comes up to the back of this property just a little bit west.

2472 Mr. Pambid - Okay, I'm going to call up the aerial here in just a second.  
2473 Maybe we can get some insight from the aerial.  
2474  
2475 Mrs. Jones - But in any case, there's no connectivity to Huron Avenue.  
2476  
2477 Mr. Pambid - No, absolutely not.  
2478  
2479 Mrs. Jones - Okay.  
2480  
2481 Mr. Pambid - There is a—there is a 16-foot utility easement along the back,  
2482 and then there's an eight-foot utility easement along the side. You have parking that's  
2483 curbed and guttered. But there is no connectivity between this site and Huron Avenue,  
2484 which is actually on the other side of these residences here.  
2485  
2486 Mrs. Jones - Correct, correct.  
2487  
2488 Mr. Pambid - She may be referring—or there may be—she might have  
2489 seen this loading dock but—  
2490  
2491 Mrs. Jones - No.  
2492  
2493 Mr. Pambid - —that is not—  
2494  
2495 Mr. Leabough - She's probably talking about that street.  
2496  
2497 Mrs. Jones - Yes. It's off of Huron Avenue. There is a wide what in  
2498 essence looks like a stub street. I'm not sure exactly what it is. But the question of  
2499 whether there is connectivity has been answered, so that's neither here nor there. So  
2500 we're fine with that.  
2501  
2502 And my only other question was whether the loading area would be visually screened  
2503 from those residences on Huron. Will they be able to see the loading dock activity?  
2504  
2505 Mr. Pambid - The loading area is screened with landscaping within the 25-  
2506 foot transitional buffer. And there is also a six-foot screening fence. So the answer is no,  
2507 it should not be visible from the residences behind the building.  
2508  
2509 Mrs. Jones - So the shopping center building will not be substantially  
2510 higher than the residences.  
2511  
2512 Mr. Pambid - If anything it would just be a couple of feet. I don't have the  
2513 grading plan here, but the grading sheet would show just a slight slope from the back of  
2514 the building.  
2515  
2516 Mrs. Jones - So they should have adequate screening for those activities.  
2517

2518 Mr. Pambid - Correct.  
2519  
2520 Mr. Leabough - I have a question about the fence material. Has that been  
2521 decided upon yet?  
2522  
2523 Mr. Pambid - I will let the applicant come down and answer that question.  
2524  
2525 Mr. Leabough - Do you have another question for Mr. Pambid?  
2526  
2527 Mr. Witte - I'll call you right back up.  
2528  
2529 Mr. Pambid - Okay.  
2530  
2531 Mr. Thompson - Good morning, Mr. Chairman, members of the Commission.  
2532 I'm Chris Thompson. I'm with Sekiv Solutions. I'm the civil engineer on this project and  
2533 representing the applicant. The fence material is going to be—PVC is what we've talked  
2534 about with the developer. We wanted something that was low maintenance. Didn't want  
2535 a wood fence they would have to come back and paint or stain every few years.  
2536  
2537 Mr. Leabough - That was my reason for asking that question, something  
2538 that's more durable and low maintenance.  
2539  
2540 Mr. Thompson - Yes, that was our thought. That's what's been determined.  
2541  
2542 Mr. Leabough - Mr. Witte, you have a question?  
2543  
2544 Mr. Witte - I have one for Mr. Pambid.  
2545  
2546 Mr. Pambid - Yes, sir.  
2547  
2548 Mr. Witte - Sir, at the community meeting, was there any opposition to  
2549 this?  
2550  
2551 Mr. Pambid - There was no opposition per se. They didn't say they didn't  
2552 want it. If I had to characterize the general feeling of the neighbors—at least with the  
2553 folks who did show up - was that this would be an improvement over what was  
2554 previously proposed, which I believe was mini-golf. And the existing condition,  
2555 *trespassing* was their nice word for, you know, homeless camps and campfires. They  
2556 have mattresses. And that is basically what is going on the property right now. They  
2557 indicated to the staff that was present that they've called the police out before, and the  
2558 police response was it's the property owner's responsibility to clean that up and that  
2559 there wasn't anything that they could do about it.  
2560  
2561 Mr. Witte - Okay, thank you. That answers my question.  
2562  
2563 Mr. Leabough - Have they contacted Community Maintenance?

2564  
2565 Mr. Emerson - That would be the appropriate agency. Community  
2566 Maintenance would be the appropriate agency to contact.  
2567  
2568 Mr. Leabough - So we might want to reach back out to those individuals and  
2569 suggest that they contact Community Maintenance or perhaps we could to address the  
2570 concerns between now and when construction takes place.  
2571  
2572 Mr. Emerson - Well, of course, Community Maintenance would contact the  
2573 property owner and then request the property owner take care of the situation and clean  
2574 everything up. So since we have a property owner representative here today, we would  
2575 request that you get the property cleaned up in this process. The sooner the better.  
2576  
2577 Mr. Leabough - Any other questions for Mr. Pambid?  
2578  
2579 Mr. Witte - The property owner's representative. Do you agree to start  
2580 the process to get this cleaned up?  
2581  
2582 Mr. George Gray - [Speaking off microphone.] I'm not the property owner's  
2583 representative.  
2584  
2585 Mr. Leabough - Oh, okay, okay. Do you agree to start the process to get this  
2586 cleaned up?  
2587  
2588 Mr. George Gray - Yes, yeah. We'll go back. We'll talk to the property owner  
2589 about it, and he'll clean up the property. Just the timeline so everybody knows. We're  
2590 hoping to get through the review process and be under construction the end of March,  
2591 beginning of April timeframe. So we'll get the property cleaned up and then hopefully  
2592 right into construction with this nice, new development.  
2593  
2594 Mr. Witte - All right, thank you.  
2595  
2596 Mr. Leabough - In terms of the timeframe for cleaning it up—in the next week  
2597 or so or what timeframe are you---  
2598  
2599 Mr. George Gray - Yes, we'll contact the developer right when we leave and let  
2600 him know. He's local. The grocery is a locally owned family-run business, so I'm sure  
2601 there's no issue.  
2602  
2603 Mr. Leabough - Make sure there's no issue with that.  
2604  
2605 Mr. George Gray - Yes, with responding immediately.  
2606  
2607 Mr. Leabough - Great, thank you.  
2608

2609 Mr. Witte - All right, Mr. Chairman. I move approval of POD2013-00320,  
2610 Patel Plaza, subject to the annotations on the plans, the standard conditions for  
2611 developments of this type, and additional conditions #29 through #34 as shown on the  
2612 agenda, with the revised layout.

2613

2614 Mrs. Jones - Second.

2615

2616 Mr. Leabough - Motion by Mr. Witte, second by Mrs. Jones. All in favor say  
2617 aye. All opposed say no. The ayes have it; the motion passes.

2618

2619 The Planning Commission approved of POD2013-00320, Patel Plaza, subject to the  
2620 annotations on the plans, the standard conditions attached to these minutes for  
2621 developments of this type, and the following additional conditions:

2622

2623 29. Only retail business establishments permitted in a B-2 zone may be located in this  
2624 center.

2625 30. The ground area covered by all the buildings shall not exceed in the aggregate 25  
2626 percent of the total site area.

2627 31. No merchandise shall be displayed or stored outside of the building(s) or on  
2628 sidewalk(s).

2629 32. Outside storage shall not be permitted.

2630 33. Approval of the construction plans by the Department of Public Works does not  
2631 establish the curb and gutter elevations along the Henrico County maintained  
2 right-of-way. The elevations will be set by Henrico County.

2633 34. The location of all existing and proposed utility and mechanical equipment  
2634 (including HVAC units, electric meters, junction and accessory boxes,  
2635 transformers, and generators) shall be identified on the landscape plans. All  
2636 equipment shall be screened by such measures as determined appropriate by the  
2637 Director of Planning or the Planning Commission at the time of plan approval.

2638

## 2639 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

2640

POD2013-00412  
Wawa at Creighton and  
Laburnum - 3384  
Creighton Road

**Kimley-Horn and Associates for Creighton & Laburnum, LLC and The Rebkee Company:** Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 5,330 square-foot convenience store with fuel pumps. The 9.0-acre site is part of a 28-acre site, and is located at the northwest corner of the intersection of Creighton Road and N. Laburnum Avenue, on part of parcel 807-730-9116. The zoning is B-2C, Business District (Conditional), M-1C, Light Industrial District (Conditional), and ASO, Airport Safety Overlay District. County water and sewer. **(Fairfield)**

2642 Mr. Leabough - Is there anyone here in opposition to POD2013-00412, Wawa  
2643 at Creighton and Laburnum? There is no opposition. Mr. Garrison?

2644  
2645 Mr. Garrison - Good morning.

2646  
2647 The applicant is requesting approval to construct a one-story, 5,330-square-foot  
2648 convenience store with fuel pumps and a lighting plan. The layout and building  
2649 elevations submitted conform with the exhibits approved with the provisional use permit.  
2650 However, staff has requested that the masonry around the base of the canopy columns  
2651 be raised to the height of the fuel pumps to which the applicant has agreed

2652  
2653 The revised lighting plan in your addendum addresses details of the building-mounted  
2654 light fixtures and light levels along the front and sides of the building. The road  
2655 improvements for Creighton Road and Laburnum Avenue will be constructed with the  
2656 Laburnum Avenue and Creighton Road realignment, which is slated for 2017. That  
2657 construction will be done by Henrico County. However, the applicant will be providing  
2658 sidewalk and turn lanes north of the southernmost entrance off of Laburnum Avenue  
2659 which is this area right here.

2660  
2661 The schematic landscape plan shows plant material outside of the proposed right-of-way  
2662 for Laburnum Avenue and Creighton Road. And with this staff can recommend approval  
2663 subject to the annotations on the plan, standard conditions for developments of this type,  
2664 and added conditions #29 through #37. Staff is available to answer any questions that  
2665 you may have. Representatives of the applicant are available as well.

2666  
2667 Mr. Leabough - Any questions for Mr. Garrison?

2668  
2669 Mrs. Jones - Oh, sure. The architectural, can you go back to those  
2670 elevations, please? The colorations. Okay. The bluish area obviously is the glass.

2671  
2672 Mr. Garrison - Correct. Yes ma'am.

2673  
2674 Mrs. Jones - Okay. And you have a red logo there. Correct? I know this is  
2675 not part of the approval, but I just want to make sure I have my colors straight with the  
2676 red brick. Can you go to the canopy? Is that green or gray?

2677  
2678 Mr. Garrison - In the background?

2679  
2680 Mrs. Jones - No, the canopy.

2681  
2682 Mr. Garrison - Oh, the canopy.

2683  
2684 Mrs. Jones - Yes, I know what the background is.

2685  
2686 Mr. Garrison - I believe it's a gray standing seam metal roof.

2687

2688 Mrs. Jones - Okay, all right. At first I thought it was a bright green when I  
2689 looked at this. And I thought surely not. Okay. All right, thank you. That's all I needed to  
2690 know on that.

2691 Mr. Leabough - Are there any other questions for Mr. Garrison?

2692  
2693

2694 Mr. Archer - Mr. Garrison, you and I were discussing the other day what  
2695 would occur along Creighton Road when—I think you said 2017?

2696

2697 Mr. Garrison - Yes, sir.

2698

2699 Mr. Archer - That's the latest one anyway, right?

2700

2701 Mr. Garrison - Yes, sir.

2702

2703 Mr. Archer - Would you explain that to the rest of the Commission  
2704 members, what is proposed to happen?

2705

2706 Mr. Garrison - Basically, this is a realignment of Creighton Road. The  
2707 applicant has dedicated a significant amount of right-of-way in exchange that the County  
2708 would construct the road.

2709

2710 Mr. Archer - Everybody get that?

2711

2712 Mr. Garrison - The first entrance here to the intersection of Creighton Road  
2713 and then on down Creighton Road as well.

2714

2715 Mr. Archer - This can be accessed from Creighton Road and two points on  
2716 Laburnum?

2717

2718 Mr. Garrison - Yes, sir.

2719

2720 Mr. Archer - Okay. That's all I have.

2721

2722 Mrs. Jones - Actually, two points on Creighton Road, looks like.

2723

2724 Mr. Garrison - This would be a future development down there.

2725

2726 Mrs. Jones - Not now.

2727

2728 Mr. Emerson - It's just one point for this particular phase of the development.

2729

2730 Mr. Archer - Thank you, Mr. Garrison. I'm done.

2731

2732 Mr. Leabough - Would you like to hear from the applicant, Mr. Archer?

2734 Mr. Archer - I don't know what I could ask him. Anybody else have  
2735 anything they want to ask the applicant? Bob, you look curious.

2736  
2737 Mr. Witte - No, I'm good.

2738  
2739 Mr. Archer - I don't think I have any questions for the applicant. Okay.  
2740 Well, with that I will move for approval of POD2013-00412, Wawa at Creighton and  
2741 Laburnum, subject to the staff recommendations, standard conditions for developments  
2742 of this type, annotations on the plan, and additional conditions #11B and #29 through  
2743 #37, and the plan addendum we received today.

2744  
2745 Mrs. Jones - Second.

2746  
2747 Mr. Leabough - Motion by Mr. Archer, second by Mrs. Jones. All in favor say  
2748 aye. All opposed say no. The ayes have it; the motion passes.

2749  
2750 The Planning Commission approved POD2013-00412, Wawa at Creighton and  
2751 Laburnum, subject to the annotations on the plans, the standard conditions attached to  
2752 these minutes for developments of this type, and the following additional conditions:

- 2753  
2754 11B. Prior to the approval of an electrical permit application and installation of the site  
2755 lighting equipment, a plan including light spread and intensity diagrams, and fixture  
2756 specifications and mounting heights details shall be revised as annotated on the  
2757 staff plan and included with the construction plans for final signature.
- 2758 29. The right-of-way for widening of Creighton Road and Laburnum Avenue as shown  
2759 on approved plans shall be dedicated to the County prior to any occupancy  
2760 permits being issued. The right-of-way dedication plat and any other required  
2761 information shall be submitted to the County Real Property Agent at least sixty  
2762 (60) days prior to requesting occupancy permits.
- 2763 30. A concrete sidewalk meeting County standards shall be provided along the west  
2764 side of Laburnum Avenue as shown on the staff plan.
- 2765 31. Outside storage shall not be permitted.
- 2766 32. The proffers approved as a part of zoning case C-29C-07, and conditions  
2767 approved with Provisional Use Permit case PUP-2013-0004, shall be incorporated  
2768 in this approval.
- 2769 33. The conceptual master plan, as submitted with this application, is for planning and  
2770 information purposes only. All subsequent detailed plans of development needed  
2771 to implement this conceptual plan shall be submitted for staff review and Planning  
2772 Commission approval, and shall be subject to all regulations in effect at the time  
2773 such subsequent plans are submitted for review/ approval.
- 2774 34. The location of all existing and proposed utility and mechanical equipment  
2775 (including HVAC units, electric meters, junctions and accessory boxes,  
2776 transformers, and generators) shall be identified on the landscape plan. All  
2777 building mounted equipment shall be painted to match the building, and all  
2778 equipment shall be screened by such measures as determined appropriate by the  
2779 Director of Planning or the Planning Commission at the time of plan approval.

- 2780 35. Approval of the construction plans by the Department of Public Works does not  
2781 establish the curb and gutter elevations along the Henrico County maintained  
2782 right-of-way. The elevations will be set by Henrico County.
- 2783 36. Evidence of a joint ingress/egress and maintenance agreement must be  
2784 submitted to the Department of Planning and approved prior to issuance of a  
2785 certificate of occupancy for this development.
- 2786 37. Except for junction boxes, meters, and existing overhead utility lines, and for  
2787 technical or environmental reasons, all utility lines shall be underground.

2788  
2789 **PLAN OF DEVELOPMENT, LIGHTING PLAN, AND TRANSITIONAL BUFFER**  
2790 **DEVIATION**  
2791

POD2013-00426  
Sonic Drive-In at 5805 W.  
Broad Street - 5805 W.  
Broad Street (U.S. Route  
250)

**Bowman Consulting Group, Ltd. for Armentrout  
Thomas M. Estate and Platten Group:** Request for  
approval of a plan of development, lighting plan, and  
transitional buffer deviation, as required by Chapter 24,  
Sections 24-106 and 24-106.2 of the Henrico County  
Code, to construct a one-story, 1,452 square-foot outdoor  
restaurant with drive-through facilities and 2 canopies,  
totaling 3,075 square-feet. The deviation would reduce the  
10-foot and 35-foot transitional buffers at the rear of the  
property to accommodate parking and a canopy. The 0.65-  
acre site is located on the south line of W. Broad Street  
(U.S. Route 250), approximately 120 feet west of its  
intersection with Libbie Avenue, on parcel 771-740-2505.  
The zoning is B-3, Business District. County water and  
sewer. **(Brookland)**

2792  
2793 Mr. Leabough - Is there anyone here in opposition to POD2013-00426, Sonic  
2794 Drive-In at 5805 W. Broad Street? There's no opposition. Mr. Garrison?

2795  
2796 Mr. Garrison - Good morning again. The applicant is requesting approval to  
2797 construct a one-story, 1,452-square-foot restaurant with drive-through facilities, two  
2798 canopies, and a lighting plan.

2799  
2800 The site was formerly Bill's Barbeque, which is proposed to be demolished and replaced  
2801 with a primarily brick building with split-face block accents. The car canopies will have a  
2802 mansard roof detail. The applicant has requested a vacation of the existing alley in the  
2803 rear of the property to increase the size of this parcel for this development. Condition #34  
2804 would require completion of the vacation process prior to construction plan approval. The  
2805 applicant is also requesting a transitional buffer deviation to accommodate parking and a  
2806 portion of the car canopy. The revised plan in your addendum provides for a little more  
2807 green space in the transitional buffer. Where a 10-foot transitional buffer is required  
2808 adjacent to office zoning, the applicant is now proposing 7.85 feet, a deviation of a little  
2809 over two feet. And where a 35-foot buffer is required adjacent to residential zoning, the  
2 applicant is proposing 23 feet, a deviation of 12 feet.

2811  
2812 The lighting plan submitted currently does not meet County policy for 0.5 footcandles at  
2813 the property line, specifically in the back property line where it was significantly over the  
2814 0.5 requirement. Additionally, the fluorescent lights that were proposed under the canopy  
2815 were not concealed. The applicant has stated that the canopy lights will be concealed  
2816 with a fabricated shield similar to the ones used at BrookHollow. However, the plan  
2817 submitted at this time does not convey that information. The applicant has stated they  
2818 will continue to work with staff to get the light levels to 0.5 footcandles. Staff is  
2819 comfortable completing its review administratively.

2820  
2821 There is an existing six-foot cinderblock wall on the adjacent property with paving up to  
2822 that wall. The plan proposes to remove 7.85 feet of asphalt and plant evergreen plant  
2823 material along the wall. Staff was requesting a columnar type of plant material that will  
2824 grow taller than the proposed 42 to 48 inches to further mitigate light spillover from the  
2825 canopies.

2826  
2827 Staff can recommend approval of this plan subject to the standard conditions for  
2828 developments of this type, the annotations on the plans, and added conditions 29  
2829 through 37. Staff and representatives are available to answer any questions that you  
2830 may have.

2831  
2832 Mr. Leabough - Mrs. Jones, I'll let you go first.

2833  
2834 Mrs. Jones - I actually do have questions. I'm sorry to be so nosy today.  
2835 We used to live in the Westwood neighborhood, so this is familiar territory to me. As far  
2836 as the alley goes in the back, it's all paved now right on up to that wall.

2837  
2838 Mr. Garrison - Yes, ma'am.

2839  
2840 Mrs. Jones - So tell me again what those changes are going to be?  
2841 They're going to take up the paving and redo that as a—no.

2842  
2843 Mr. Garrison - The whole site is getting scraped.

2844  
2845 Mrs. Jones - Oh, it is. Okay, okay.

2846  
2847 Mr. Garrison - And what they're going to go back with will basically leave  
2848 7.85 feet of green space between the wall and the curb.

2849  
2850 Mrs. Jones - Okay. I couldn't figure out how that was going to work out if  
2851 the whole thing wasn't torn up. And the alley, having that done will not be a problem for  
2852 anybody further down? The alley doesn't extend beyond the Bill's Barbecue site where it  
2853 would affect somebody else?

2854  
2855 Mr. Garrison - It's not paved, so there wouldn't be any—let me see.

2856

2857 Mrs. Jones - Do other people use it?  
2858  
2859 Mr. Garrison - Not to my knowledge.  
2860  
2861 Mr. Emerson - It's currently in use as parking, correct.  
2862  
2863 Mrs. Jones - It is on the Bill's Barbecue site.  
2864  
2865 Mr. Emerson - Right.  
2866  
2867 Mrs. Jones - Yes.  
2868  
2869 Mr. Garrison - Yes. It's been paved, but this is the Taco Bell next door and  
2870 it's just green. In other words—  
2871  
2872 Mrs. Jones - It's not going to affect it. Okay, all right. The other question I  
2873 had here had to do with lighting, which you addressed. That is a commercial corridor  
2874 tucked right up against a residential neighborhood. So the administrative review I would  
2875 expect would not be able to be approved unless it was significantly less than what we're  
2876 looking at there.  
2877  
2878 Mr. Garrison - Yes, ma'am.  
2879  
2880 Mr. Witte - Mrs. Jones? I'm going to propose that the lighting plan come  
2881 back to the Commission because I have some issues.  
2882  
2883 Mrs. Jones - Well, that certainly is one of my concerns. The only other  
2884 one—then I'll get out of here—is the height of the tower. Even though it's a one-story  
2885 building that tower looks—can you tell me what that is?  
2886  
2887 Mr. Garrison - Top of tower, which is -  
2888  
2889 Mrs. Jones - Yes. One hundred and twenty-two feet?  
2890  
2891 Mr. Garrison - I'm going to have the applicant address that.  
2892  
2893 Mr. Leabough - That's probably not correct.  
2894  
2895 Mrs. Jones - Well, that's why I was questioning it. I'm sure we just need to  
2896 get our facts straight. There we go. Okay, thank you. Those were my questions.  
2897  
2898 Mr. Witte - A good question.  
2899  
2900 Mr. Emerson - It's a very good one.  
2901  
2902 Mr. Witte - That's probably 122 inches.

2903  
2904 Mr. Ritterskamp - [Speaking off microphone; inaudible.]  
2905  
2906 Mrs. Jones - You'll have to come down; I'm sorry. You don't get off that  
2907 easy.  
2908  
2909 Mr. Ritterskamp - My name is Ryan Ritterskamp. I'm with Bowman Consulting  
2910 representing the applicant. The tower is labeled as 122 feet and four inches, but it's  
2911 taken from a base of 100 feet, so it's only 22 feet and four inches to the tower. That's the  
2912 height.  
2913  
2914 Mr. Leabough - So instead of starting at 0 and going to 22 feet and four  
2915 inches, you start at 100 to 122 feet and four inches.  
2916  
2917 Mr. Ritterskamp - Yes, sir.  
2918  
2919 Mr. Leabough - Okay.  
2920  
2921 Mrs. Jones - Thank you. That's much better.  
2922  
2923 Mr. Witte - Mr. Ritterskamp, I have a—you're aware that Condition #34  
2924 will require the vacation process prior to approval.  
2925  
2926 Mr. Ritterskamp - Yes, sir.  
2927  
2928 Mr. Witte - Okay.  
2929  
2930 Mr. Ritterskamp - My understanding is that it's on that February 11<sup>th</sup> Board of  
2931 Supervisors agenda.  
2932  
2933 Mr. Witte - Okay. Because it requires Board of Supervisors to approve  
2934 that vacation. All right, thank you.  
2935  
2936 Mr. Leabough - Are there any other questions for Mr. Garrison?  
2937  
2938 Mr. Witte - No other questions. We have no opposition.  
2939  
2940 Mr. Leabough - No opposition.  
2941  
2942 Mr. Witte - I'm just going to move on then with a motion. Mr. Chairman, I  
2943 move approval of POD2013-00426 and the transitional buffer deviation for Sonic Drive-In  
2944 at 5805 W. Broad Street, as presented, subject to the annotations on the plans, the  
2945 standard conditions for developments of this type, and additional conditions #11B and  
2946 #29 through #37, and the revised plat, as well as the lighting plan coming back to the  
2947 Commission.  
2948

2949 Mrs. Jones - You have a Condition #38 on the addendum as well.  
50  
2951 Mr. Witte - Conditions #29 through #38. Thank you, Mrs. Jones.  
2952  
2953 Mr. Archer - I second your motion.  
2954  
2955 Mr. Leabough - And you're deferring the lighting plan.  
2956  
2957 Mr. Witte - I'm deferring the lighting plan.  
2958  
2959 Mr. Leabough - So we have a motion by Mr. Witte, a second by Mr. Archer.  
2960 All in favor say aye. All opposed say no. The ayes have it; the motion passes.  
2961  
2962 The Planning Commission approved POD2013-00426, Sonic Drive-In at 5805 W. Broad  
2963 Street, subject to the annotations on the plans, the standard conditions attached to these  
2964 minutes for developments of this type, and the following additional conditions:  
2965  
2966 **11A. AMENDED** - Prior to the approval of an electrical permit application and installation  
2967 of the site lighting equipment, a plan including depictions of light spread and  
2968 intensity diagrams, and fixture specifications and mounting height details shall be  
2969 submitted for Department of Planning review and Planning Commission approval.  
2970 ~~11B. Prior to the approval of an electrical permit application and installation of the site~~  
2971 ~~lighting equipment, a plan including light spread and intensity diagrams, and fixture~~  
2972 ~~specifications and mounting heights details shall be revised as annotated on the~~  
2973 ~~staff plan and included with the construction plans for final signature.~~  
2974 29. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall  
2975 be approved by the Virginia Department of Transportation and the County.  
2976 30. A notice of completion form, certifying that the requirements of the Virginia  
2977 Department of Transportation entrances permit have been completed, shall be  
2978 submitted to the Department of Planning prior to any occupancy permits being  
2979 issued.  
2980 31. A concrete sidewalk meeting VDOT standards shall be provided along the south  
2981 side of W. Broad Street (U.S. Route 250).  
2982 32. Outside storage shall not be permitted.  
2983 33. The developer shall install an adequate restaurant ventilating and exhaust system  
2984 to minimize smoke, odors, and grease vapors. The plans and specifications shall  
2985 be included with the building permit application for review and approval. If, in the  
2986 opinion of the County, the type system provided is not effective, the Commission  
2987 retains the rights to review and direct the type of system to be used.  
2988 34. Before the construction plan is approved, the applicant shall submit evidence that  
2989 the alley has been vacated, and the vacated property has been consolidated with  
2990 this parcel.  
2991 35. Approval of the construction plans by the Department of Public Works does not  
2992 establish the curb and gutter elevations along the Virginia Department of  
2993 Transportation maintained right-of-way. The elevations will be set by the  
2994 contractor and approved by the Virginia Department of Transportation.

- 2995 36. The location of all existing and proposed utility and mechanical equipment  
2996 (including HVAC units, electric meters, junctions and accessory boxes,  
2997 transformers, and generators) shall be identified on the landscape plan. All  
2998 building mounted equipment shall be painted to match the building, and all  
2999 equipment shall be screened by such measures as determined appropriate by the  
3000 Director of Planning or the Planning Commission at the time of plan approval.  
3001 37. Except for junction boxes, meters, and existing overhead utility lines, and for  
3002 technical or environmental reasons, all utility lines shall be underground.  
3003 38. No outside public address, loudspeaker, paging or speaker system audible beyond  
3004 the boundary lines of residentially zoned property shall be permitted.  
3005

3006 Mr. Emerson - Mr. Chairman, the next item on your agenda appears on page  
3007 thirty-eight. It is the consideration of the approval of your minutes from your December  
3008 11 meeting. You do have an errata sheet in your package. If you have any other  
3009 corrections, certainly we are ready to record those.  
3010

3011 APPROVAL OF MINUTES: December 11, 2013  
3012

3013 Mrs. Jones - I move the adoption of the minutes as corrected.  
3014

3015 Mr. Archer - I'll second it.  
3016

3017 Mr. Leabough - Motion by Mrs. Jones, second by Mr. Archer. All in favor say  
3018 aye. All opposed say no. The ayes have it; the motion passes.  
3019

3020 The Planning Commission approved the December 11, 2013 minutes as corrected.  
3021

3022 Mr. Leabough - Mr. Secretary, is there any other business for the  
3023 Commission today?  
3024

3025 Mr. Kaechele - Mr. Chairman, I failed to mention earlier, but I plan to follow  
3026 the voting procedure that the Board of Supervisors normally takes, to abstain from voting  
3027 on issues that subsequently come to the Board of Supervisors.  
3028

3029 Mr. Leabough - So noted, Mr. Kaechele.  
3030

3031 Mr. Emerson - And that was one of my questions. Thank you. I do want to  
3032 remind the Commission of the work session on February the 13<sup>th</sup>. Of course our meeting  
3033 does begin at 6 p.m. that evening. We will begin at 5 p.m. in the manager's conference  
3034 room. Of course our item at 6 p.m. is consideration of the Capital Improvements Plan.  
3035

3036 Mr. Leabough - I hear it's going to be a pretty thick document this year.  
3037

3038 Mr. Emerson - This might be a little thicker than last year. The schools have  
3039 some extra money because of the generosity of the citizenry with the approval of the  
3040 meals tax. So there are a few extra items year.

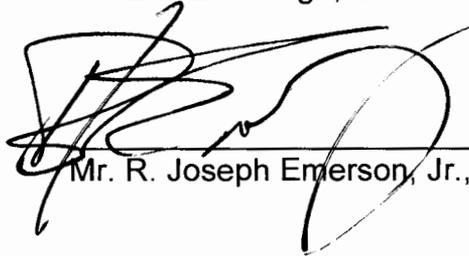
3041  
3042 Mrs. Jones - When will we get that?  
3043  
3044 Mr. Emerson - I have not received it from finance yet.  
3045  
3046 Mrs. Jones - Okay.  
3047  
3048 Mr. Emerson - Hopefully I will send it out to you with your normal package.  
3049 Normally, finance doesn't get that to me until a week before. I will press them and see if I  
3050 can get that a little bit quicker.  
3051  
3052 Mrs. Jones - I need time.  
3053  
3054 Mr. Emerson - Well, it's something to review. I agree. I'm going to do my  
3055 best to get that from them.  
3056  
3057 Mrs. Jones - Thanks.  
3058  
3059 Mr. Emerson - I would like to take this opportunity as well to introduce to the  
3060 Commission our intern for this semester, and it's Ms. Logan Hamilton. Do you want to  
3061 stand up, Logan? She went through a competitive process to become our intern for this  
3062 internship period. We're very excited to have her. She is a junior, I believe, at VCU with a  
3063 double major in Planning and also Sociology. Is that correct? And we have great plans to  
3064 keep her busy. And certainly I think we gave her a good exposure today.  
3065  
3066 Mr. Archer - It's not always like this.  
3067  
3068 Mr. Leabough - We promise it's not.  
3069  
3070 Mr. Emerson - She is a Henrico resident, I believe. If you want to give the  
3071 Commission a little bit of your background?  
3072  
3073 Mr. Leabough - You want to come forward?  
3074  
3075 Mr. Archer - Welcome aboard.  
3076  
3077 Mr. Emerson - We are excited to have her, though. We're always excited to  
3078 have our interns.  
3079  
3080 Ms. Hamilton - I'm Logan Hamilton, the Planning intern from VCU. As you  
3081 mentioned, a double major in Urban Planning and Sociology, as well as a double minor  
3082 in Economics and Public Management. I am unsure as to where I would like to take that,  
3083 but I'm definitely getting some experience here.  
3084  
3085 Mr. Leabough - Two good choices: VCU and Henrico County. You're on a  
3086 roll.  
3

3087  
3088 Ms. Hamilton - Yes.  
3089  
3090 Mr. Archer - Well congratulations.  
3091  
3092 Ms. Hamilton - Thank you.  
3093  
3094 Mrs. Jones - Yes.  
3095  
3096 Mr. Emerson - What high school did you attend?  
3097  
3098 Ms. Hamilton - I'm from Atlee. I've been in the Hanover District my entire life.  
3099 I just recently moved to Henrico this last year. But I've been in the area.  
3100  
3101 Mr. Emerson - Still a local.  
3102  
3103 Mr. Archer - Yes.  
3104  
3105 Mrs. Jones - I would also just like to say that sometimes it's interesting. If  
3106 there are questions you have and if it concerns anything that we can help you with,  
3107 please do get in touch.  
3108  
3109 Ms. Hamilton - Great, thank you.  
3110  
3111 Mr. Archer - We typically applaud because that's the last applause you'll  
3112 ever hear.  
3113  
3114 Mr. Witte - I have a question. Do they require self defense in any of  
3115 those courses you've taken?  
3116  
3117 Ms. Hamilton - Not that I'm aware of.  
3118  
3119 Mr. Witte - Okay, thank you.  
3120  
3121 Mr. Leabough - Is there anything else?  
3122  
3123 Mr. Emerson - No sir, I have nothing further for the Commission this  
3124 morning.  
3125  
3126 Mr. Archer - Move for adjournment, Mr. Chairman.  
3127  
3128 Mrs. Jones - Second.  
3129  
3130 Mr. Witte - Before we do, I would like to especially thank the sheriff and  
3131 police departments for their handling of the situation earlier today.  
3132

3133 Mr. Emerson - Absolutely.  
3134  
3135 Mr. Archer - Very good.  
3136  
3137 Mr. Emerson - We appreciate their presence. I agree, Mr. Witte.  
3138  
3139 Mrs. Jones - I'm sorry that it was necessary, but when it is, we could not  
3140 do anything without you. Thank you.  
3141  
3142 Mr. Leabough - All right, we have a motion to adjourn. We're adjourned.  
3143  
3144  
3145  
3146  
3147



Mr. Eric Leabough, Chairman.



Mr. R. Joseph Emerson, Jr., Secretary

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## 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 **December 11, 2013**, which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on **December 10, 2014**, 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 **December 11, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **December 10, 2014**, 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 **December 11, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **December 10, 2014**, 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)**

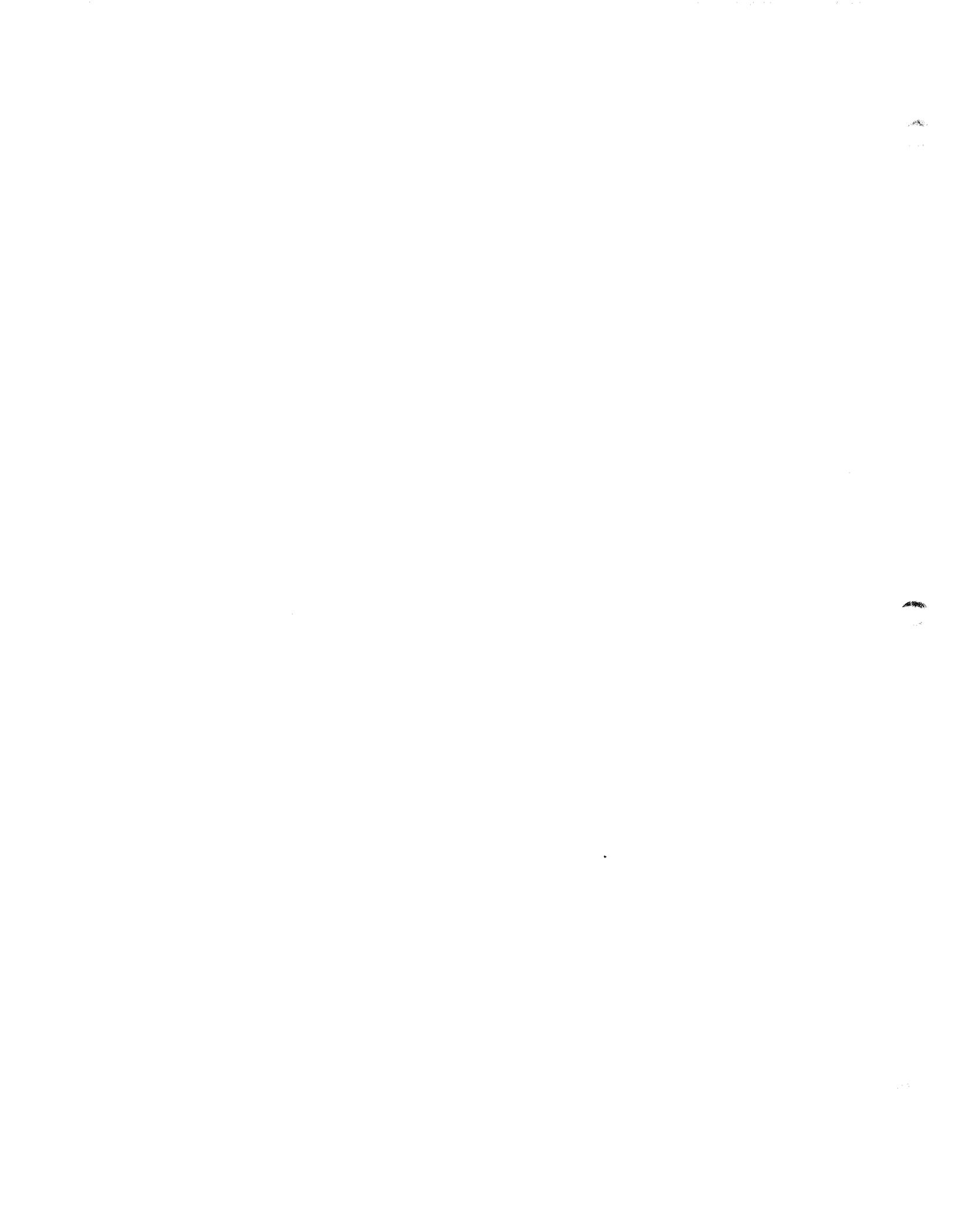
1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
2. Construction plans, including proposed erosion and sediment controls, shall be submitted to the Department of Planning at least 30 days prior to final approval.
3. Construction shall not commence until the Director 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 **December 11, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **December 10, 2014**, 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 **December 11, 2013**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **December 10, 2014**, 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.



## 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 **January 22, 2014**, which shall be as much a part of this approval as if details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans, shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning to the Engineer that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures. Two (2) sets of the approved plan shall be attached to the building permit application. **(Revised January 2008)**
8. Two copies of an Erosion and Sediment Control Agreement with required escrow shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.

9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of Planning for review and Planning Commission approval prior to the issuance of any occupancy permits.
10. All groundcover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced no later than the next planting season.
11. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and approval.
11. **AMENDED** - Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including depictions of light spread and intensity diagrams, and fixture specifications and mounting height details shall be submitted for Department of Planning review and Planning Commission approval.
- 11B. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams, and fixture specifications and mounting heights details shall be revised as annotated on the staff plan and included with the construction plans for final signature. **(For POD which includes lighting plan approval)**
12. All exterior lighting shall be designed and arranged to direct the light and glare away from nearby residential property and streets.
13. The site, including the parking areas, shall be kept clean of litter and debris on a daily basis. Trash container units/litter receptacles and recycling containers shall be maintained with regular pickups scheduled and shall be screened properly on all four sides. The gate(s) shall remain closed except when the receptacle(s) are being filled or serviced and shall be repaired or replaced as necessary. Details shall be included with the final site plan or required landscape plan for review and approval.
14. Required fire lanes shall be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.
15. Traffic control signs shall be provided as indicated on the Department of Planning Staff plan. All signs shall be fabricated as shown in The National Manual on Uniform Traffic Control Devices for Streets and Highways and The Virginia Supplement to The Manual on Uniform Traffic Control Devices for Streets and Highways.
16. The assigned property number(s) shall be displayed so it is easily readable from the street. If assistance is needed with the address, please contact the Department of Planning at 501-4284. The Planning Department must assign all property addresses. **(Revised January 2008)**
17. The owner shall have a set of plans approved by the Director of Public Works, Public Utilities and Secretary of the Planning Commission available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County Inspectors.
18. The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.

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

## STANDARD CONDITIONS FOR LANDSCAPE /LIGHTING/FENCE PLANS

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

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

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

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

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

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

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

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

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

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

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

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

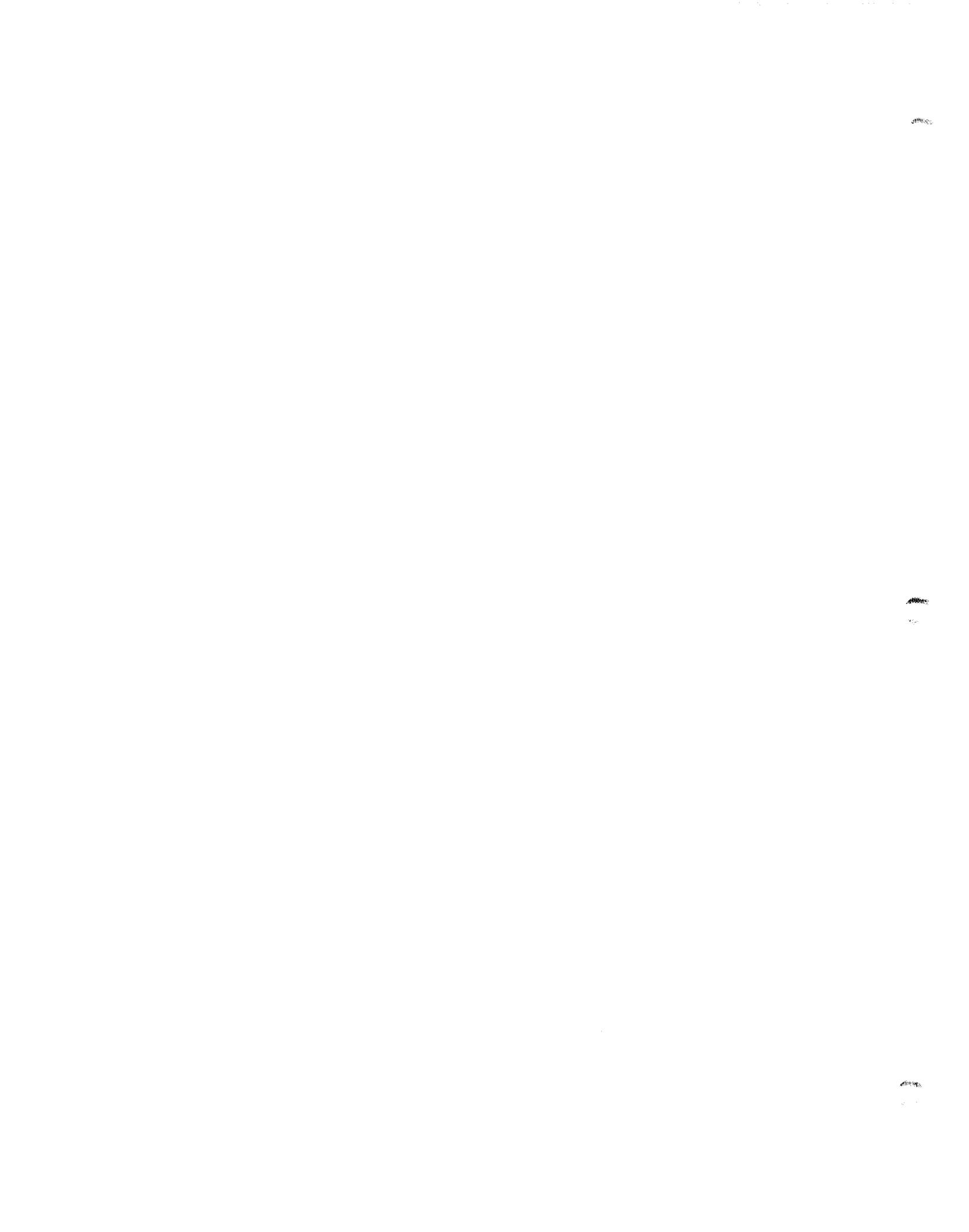
**B-2 ZONE**

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

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

**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 **January 22, 2014**, which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on **January 21, 2015**, 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 **January 22, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **January 21, 2015**, 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 **January 22, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **January 21, 2015**, 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 **January 22, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **January 21, 2015**, 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.
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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.
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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 **January 22, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **January 21, 2015**, 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.

## 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.
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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 **January 22, 2014**, which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on **January 21, 2015**, 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.
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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.
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**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 **January 22, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **January 21, 2015**, 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.
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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.
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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 **January 22, 2014**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **January 21, 2015**, 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.