

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, July 25, 2012.
4

Members Present: Mrs. Bonnie-Leigh Jones, Acting Chairperson, C.P.C. (Tuckahoe)
Mr. Eric Leabough, C.P.C. (Varina)
Mr. Robert H. Witte, Jr. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP,
Director of Planning, Secretary
Mr. Frank J. Thornton,
Board of Supervisors' Representative

Members Absent: Mr. Tommy Branin, Chairman (Three Chopt)
Mr. C. W. Archer, C.P.C. (Fairfield)

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning
Ms. Leslie A. News, CLA, Principal Planner
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
Mr. Michael F. Kennedy, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Matt Ward, County Planner
Mr. Gregory Garrison, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Ms. Aimee B. Crady, AICP, County Planner
Ms. Rosemary Deemer, AICP, County Planner
Mr. Justin Doyle, Senior Planning Technician
Mr. Tommy Catlett, Traffic Engineering
Ms. Holly Zinn, Recording Secretary

5
6 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains from**
7 **voting on all cases unless otherwise noted.**
8

9 Mrs. Jones - I apologize for the two-minute conversation, but we are ready
10 to begin. Welcome to our Subdivisions and Plans of Development meeting for the
11 Henrico County Planning Commission. Thank you for coming this morning. I will be our
12 chairman for this morning. We do have a quorum. I'd like to welcome Frank Thornton,
13 representative from the Board of Supervisors who sits with us this year. I do hope that
14 you will take a moment to silence or turn off your cell phones, as that can be a little
15 unsettling when they go off in the middle of conversations. Do we have news media in
16 the room? Sir?

17
18 Mr. Hallman - [Speaking off microphone.] Randy Hallman from the
19 *Richmond Times Dispatch*.
20

21 Mrs. Jones - Mr. Hallman, welcome. It's nice to have you. Thank you for
22 being here. To start our meeting, I'd like to ask that we stand for the Pledge of Allegiance
23 to the Flag.

24
25 Let it be noted for the record that Mr. Thornton will abstain from voting unless required to
26 do so.

27
28 We will have the meeting handled from this point on by our secretary, Mr. Joe Emerson.

29
30 Mr. Emerson - Thank you, Madam Chair. I would note that the chairman is
31 absent this morning due to a personal issue that he's been called to deal with, and Mr.
32 Archer is out of town. In the chairman's absence, I believe Mr. Leabough will be handling
33 Mr. Branin's cases this morning.

34
35 With that, Madam Chair, first on our agenda are the requests for deferrals and
36 withdrawals. Those will be presented by Ms. Leslie News.

37
38 Ms. News - Good morning, Madam Chair, members of the Commission.

39
40 Mrs. Jones - Good morning.

41
42 Ms. News - We have one item on our list of deferrals this morning, and
43 that is found on page four of your agenda and is located in the Tuckahoe District. That is
44 POD2012-00148. It's a POD and a master plan for Walmart – Shoppes at Reynolds
45 Crossing. The applicant is requesting a deferral to the September 26, 2012 meeting.

46
47 **PLAN OF DEVELOPMENT AND MASTER PLAN**

48
POD2012-00148 **Bowman Consulting for Reynolds Holdings, LLC:**
Walmart – Shoppes at Request for approval of a master plan, including a
Reynolds Crossing – proposed shopping center, and a plan of development, as
Forest Avenue required by Chapter 24, Section 24-106 of the Henrico
County Code, to construct Phase I of the shopping center-
a one-story 90,000 square-foot retail store with a 6,854
square-foot outdoor garden center on a 10.21-acre portion
of the site. The 22.597-acre site is located on the north line
of Forest Avenue (private), approximately 1,000 feet east
of the intersection of Glenside Drive and Forest Avenue,
on part of parcel 765-744-6557. The zoning is B-2C,
Business District (Conditional) and B-3C, Business District
(Conditional). County water and sewer. **(Tuckahoe)**

49
50 Mrs. Jones - Is there anyone with us this morning in opposition to the
51 deferral of case POD2012-00148, Walmart – Shoppes at Reynolds Crossing? There is
52 no one in opposition to the deferral. All right. With that, I will move for the deferral, at the

53 request of the applicant, for POD2012-00148, Walmart – Shoppes at Reynolds Crossing,
54 to September 26, 2012.

55
56 Mr. Leabough - Second.

57
58 Mrs. Jones - Motion by Mrs. Jones, seconded by Mr. Leabough. All in
59 favor say aye. All opposed say no. The ayes have it; the motion passes.

60
61 At the request of the applicant, the Planning Commission deferred POD2012-00148,
62 Walmart – Shoppes at Reynolds Crossing, to its September 26, 2012 meeting.

63
64 Mrs. Jones - Are there any other deferrals from the Commission?

65
66 Mr. Leabough - Madam Chair, Mr. Secretary, there is one additional deferral.
67 It's for SUB-13-11. It's a request by the applicant to defer the case to the September 26,
68 2012 meeting. With that being the case, I move that we defer SUB20—

69
70 Mrs. Jones - One moment please. Is there anyone in opposition to the
71 deferral of case, SUB-13-11, Battery Hill Gardens? There is no one. Mr. Leabough?

72
73 **SUBDIVISION AND EXCEPTION**

74
75
76 SUB-13-11 **Werner Engineering for Mitchell Rand:** The 5.8-acre site
77 SUB2011-00113 proposed for a subdivision of 3 single-family homes is
78 Battery Hill Gardens located on the west line of Battery Hill Drive, approximately
(December 2011 Plan) – 2,700 feet from its intersection with Osborne Turnpike, on
1448 - 1454 Battery Hill parcels 804-676-0498, 1485, and 2063. The exception
Drive would allow 2 stem lots. The zoning is R-2A, One-Family
Residential District. Individual well and septic. **(Varina) 3
Lots**

79
80
81 Mr. Leabough - Sorry. With that being the case, I move that we defer SUB-
82 13-11, Battery Hill Gardens, to the September 26, 2012 meeting.

83
84 Mr. Witte - Second.

85
86 Mrs. Jones - Motion by Mr. Leabough, seconded by Mr. Witte. All in favor
87 say aye. All opposed say no. The ayes have it; the motion passes.

88
89 At the request of the applicant, the Planning Commission deferred SUB-13-11, Battery
90 Hill Gardens, to its September 26, 2012 meeting.

91
92 Mr. Emerson - Madam Chair, that completes the deferrals and withdrawals
93 for this morning unless the Commission has anything additional. If not, we now move to
94 the expedited agenda, which also will be presented by Ms. Leslie News.

91 Mrs. Jones - Ms. News?

92
93 Ms. News - Yes, ma'am. There are three items on our expedited agenda
94 this morning. The first is found on page three of your agenda and is located in the Three
95 Chopt District. This is a transfer of approval for POD-106-85, Apex Building (Formerly
96 Markel Building). Staff recommends approval.

97
98 **TRANSFER OF APPROVAL**

99
100
101 **POD-106-85 CB Richard Ellis for ASI Partners, LLC:** Request for
102 **POD2012-00180** transfer of approval as required by Chapter 24, Section 24-
103 **Apex Building (Formerly** 106 of the Henrico County Code from Rowe Development
104 **Markel Building) – 4400** Corporation and Nations Bank of Georgia to Fund III &
105 **Cox Road** Fund IV Associate Partners, LLC. The 4.23-acre site is
106 located on the southwest corner of the intersection of Cox
107 Road and Waterfront Place, on parcel 749-763-8998. The
108 zoning is O-3C, Office District (Conditional) and C-1,
109 Conservation District. County water and sewer. **(Three**
110 **Chopt)**

100
101 Mrs. Jones - Is there anyone in opposition to transfer of approval for POD-
102 106-85, Apex Building (Formerly Markel Building)? No opposition.

103
104 Mr. Leabough - Madam Chair, I move that we approve the transfer of
105 approval for POD-106-85, Apex Building (Formerly Markel Building), subject to Condition
106 #1 as noted on the agenda.

107
108 Mr. Witte - Second.

109
110 Mrs. Jones - Motion by Mr. Leabough, seconded by Mr. Witte. All in favor
111 say aye. All opposed say no. The ayes have it; the motion passes.

112
113 The Planning Commission approved the transfer of approval request for POD-106-85,
114 Apex Building (Formerly Markel Building), from Rowe Development Corporation and
115 Nations Bank of Georgia to Fund III & Fund IV Associate Partners, LLC, subject to the
116 standard and added conditions previously approved and the following additional
117 condition:

- 118
119 1. The site deficiencies, as identified in the inspection report, dated May 25, 2012,
120 shall be completed by October 15, 2012.

121
122 Ms. News - The next item is found on page nine of your agenda and is
123 located in the Tuckahoe District. This is POD2012-00227, Martin's Fuel Center at John
124 Rolfe Commons Shopping Center. There is an addendum item on page two of your
125 addendum, which includes an additional condition stating that the fuel pricing sign shall

126 be for fuel price display only and shall not include any changeable message, scrolling, or
127 flashing, and, with that, staff can recommend approval.

128
129
130

PLAN OF DEVELOPMENT

POD2012-00227 **Bowman Consulting Group, Ltd. for The Wilton Companies, LLC and Giant Food Stores, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a fuel facility with 5 pump islands and a 128-square-foot kiosk in an existing shopping center. The 1.2-acre site is located on the north line of Ridgefield Parkway, approximately 800 feet west of John Rolfe Parkway, on parcel 736-751-0405. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

131
132 Mrs. Jones - Is there anyone here in opposition to POD2012-00227,
133 Martin's Fuel Center at John Rolfe Commons Shopping Center? No opposition?

134
135 Mr. Witte - You have one back there.

136
137 Mrs. Jones - I am sorry; I did not see you. If there is opposition, we will
138 take this off the expedited agenda and hear it in the order in which it was listed on our
139 regular agenda.

140
141 Ms. News - All right. Then, the final item is on page 14 of your agenda
142 and is located in the Three Chopt District. This is SUB2012-00093, Smith Grove at
143 Bacova (July 2012 Plan) for 5 lots. Staff recommends approval.

144
145 **SUBDIVISION**

146
SUB2012-00093 **Youngblood, Tyler & Associates for Bacova, LLC and Bacova Texas, LLC:** The 18.71-acre site proposed for a subdivision of 45 single-family homes is located on the east line of N. Gayton Road, approximately 375 feet south of its intersection with Kain Road, on parcel 735-767-9459 and part of parcel 736-768-5323. The zoning is R-5AC, General Residential District. County water and sewer. **(Three Chopt) 45 Lots**

147
148 Mrs. Jones - Is there anyone here in opposition to SUB2012-00093, Smith
149 Grove at Bacova (July 2012 Plan)? There is no opposition.

150
151 Mr. Leabough - Madam Chair, I move approval of SUB2012-00093, Smith
152 Grove at Bacova (July 2012 Plan), subject to the annotations on the plans, the standard

153 conditions for zero lot line subdivisions, and the additional conditions as noted on the
154 agenda, #13 through #19.

155
156 Mr. Witte - Second.

157
158 Mrs. Jones - Motion by Mr. Leabough, seconded by Mr. Witte. All in favor
159 say aye. All opposed say no. The ayes have it; the motion passes.

160
161 The Planning Commission granted conditional approval to SUB2012-00093, Smith
162 Grove at Bacova (July 2012 Plan), subject to the standard conditions attached to these
163 minutes for zero lot line subdivisions, the annotations on the plans, and the following
164 additional conditions:

165
166 13. The limits and elevation of the Special Flood Hazard Area shall be conspicuously
167 noted on the plat and construction plans and labeled "Limits of Special Flood
168 Hazard Area." Dedicate the Special Flood Hazard Area as a "Variable Width
169 Drainage & Utilities Easement."

170 14. Each lot shall contain at least 5,625, exclusive of the floodplain areas.

171 15. Prior to requesting the final approval, a draft of the covenants and deed
172 restrictions for the maintenance of the common area by a homeowners
173 association shall be submitted to the Department of Planning for review. Such
174 covenants and restrictions shall be in a form and substance satisfactory to the
175 County Attorney and shall be recorded prior to recordation of the subdivision plat.

176 16. The details for the landscaping to be provided within the 25-foot wide proffered
177 buffer along Liesfeld Farm Drive and N. Gayton Road shall be submitted to the
178 Department of Planning for Planning Commission review and approval prior to
179 recordation of the plat.

180 17. A County sidewalk shall be constructed along the north side of Liesfeld Farm
181 Drive and the east side of N. Gayton Road.

182 18. The proffers approved as part of zoning case C-9C-11 shall be incorporated in
183 this approval.

184 19. The developer shall provide signage, the wording and location as deemed
185 appropriate by the Director of Public Works, which addresses the possible future
186 extension of the stub street.

187
188 Ms. News - That completes our expedited agenda.

189
190 Mrs. Jones - Thank you very much.

191
192 Mr. Emerson - Madam Chair, that now takes us to the Subdivision
193 Extensions of Conditional Approval, and those will be presented by Mr. Lee Pambid.

194
195

196 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
 197 **FOR INFORMATIONAL PURPOSES ONLY**
 198
 199

Subdivision	Original No. Of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
SUB2010-00076 (SUB-7-10) Halie's Corner (July 2010 Plan)	3	3	1	Varina	7/24/2013 7/24/2017
SUB2011-00054 (SUB-08-11) Kings Manor (July 2011 Plan)	9	9	0	Varina	7/24/2013

200 Mrs. Jones - Good morning, Mr. Pambid.

201
 202
 203 Mr. Pambid - Good morning, Madam Chair and members of the Planning
 204 Commission. This map indicates the location of two subdivisions that are presented for
 205 extensions of conditional approval. They are eligible for a one-year extension to July 24,
 206 2013 [sic] (2017 for Halie's Corner). This is for informational purposes only and does not
 207 require Commission action at this time. This concludes my presentation, and staff can
 208 now field any questions you have regarding this.

209
 210 Mrs. Jones - Do we have questions from the Commission? Thank you very
 211 much.

212
 213 Mr. Pambid - You're welcome.

214
 215 Mr. Emerson - Madam Chair, that now takes us into your regular agenda to
 216 page seven and your amended agenda page one for POD2012-00224.

217 **PLAN OF DEVELOPMENT**
 218
 219

POD2012-00224 **Balzer and Associates, Inc. for West End Islamic Center, Inc. and Islamic Community Development, 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 two-story with basement, 35,141 square-foot place of worship with a daycare and a Sunday school. The site is located along the north line of Shady Grove Road, immediately west of its intersection with Twin Hickory Road, on a 3.66-acre parcel, 741-770-9318, and a 1.11-acre parcel, 742-770-1121. The zoning is A-1, Agricultural District. County water and sewer. **(Three Chopt)**

220
 221 Mrs. Jones - Before you begin, Mr. Wilhite, is there anyone here in

222 opposition to POD2012-00224, West End Islamic Center? We do have opposition. If we
223 can just take a moment before you begin, Mr. Wilhite, to have our secretary explain how
224 the process works when there is opposition.

225
226 Mr. Emerson - Yes, ma'am, Madam Chair. The Commission does have rules
227 and regulations that govern the public hearing process, and those are as follows. The
228 applicant is allowed ten minutes to present the request, and time may be reserved for
229 responses to testimony. Opposition is allowed ten minutes to present its concerns.
230 Commission questions do not count into the time limits, and the Commission may waive
231 the limits for either party at its discretion.

232
233 Mrs. Jones - Thank you. Mr. Wilhite?

234
235 Mr. Wilhite - Thank you, Madam Chair.

236
237 We received revised site plans and revised architectural plans for this project. Your
238 addendum has two additional conditions listed. The revised site layout plan addresses
239 the staff's concerns. The major revision is that a second point of access is being
240 provided to this site. It encompasses an access drive on the north side of the building
241 that crosses an adjacent property to the east and intersects with Shady Grove Road
242 north of the intersection with Twin Hickory Road.

243
244 Also, this plan is reflecting a right-turn lane into the site at the original proposed entrance
245 on Shady Grove. The entrance has been shifted eastward a little bit as well. This turn
246 lane and the necessary right-of-way dedication resulted in the loss of some parking
247 spaces along the southern side of the parking lot. The access road does have room to
248 add additional parking—approximately about 21 spaces there—if the need dictates.

249
250 This revised layout also addresses the fire access and safety concerns that we had. That
251 and the addition of one fire hydrant on the site allows for adequate Fire access around
252 the building.

253
254 We did get revised architectural plans as well. They show details for the second floor and
255 the basement area where the original architectural floor plans did not show any use of
256 this. The first floor of this development is going to be developed initially; the use of the
257 basement and the second floor will be at some point down the road.

258
259 A lighting plan originally was part of this approval. It's been removed from consideration
260 at this time and will come back at a later time. They had issues with lack of information
261 on any wall-mounted light fixtures, and also there were some issues with the height of
262 the pole fixtures that were being proposed. They need time to work that out.

263
264 The first floor will initially have 3,050 square feet of worship area and classrooms. The
265 total floor area for worship space for the entire building when at build-out will be just over
266 6,000 square feet. The building is primarily of brick construction. It has a split-face block
267 base. Some of the recessed walls are EIFS. The dome on the top of the minaret is of

268 fiberglass construction. The height of the building does meet A-1 requirements, which
269 limits the height to 45 feet. The height for the parapet in this area here is approximately
270 45 feet as well. To the top of the minaret, which is the tallest part of the structure, is 74
271 feet. Domes, minarets, and steeples have an exception in the zoning ordinance; in the A-
272 1 districts, they can go to an ultimate height of 100 feet.

273
274 The existing dwelling on the site is anticipated to be used for worship purposes prior to
275 construction of the new facility. They are showing some phasing of the parking lot, so
276 they will be ultimately providing paved parking and the entrance here onto Shady Grove
277 Road as part of the first phase of the development.

278
279 As I mentioned, we have two additional conditions on the addendum. Condition #35
280 deals with the need for a cross-access and maintenance agreement to allow this new
281 driveway to cross the adjacent property. Condition #36 deals with the necessary
282 requirements in order to use the existing dwelling for worship purposes in the meantime.
283 That refers to a letter that we gave them back in December on what needed to be done
284 to use the existing structure.

285
286 With that, staff is ready to recommend approval of the revised plan submitted with
287 standard conditions, the annotations on the plan, and additional Conditions #35 and #36
288 as shown on your addendum. I'll be happy to answer any questions you have at this
289 time.

290
291 Mrs. Jones - Are there questions for Mr. Wilhite from the other
292 Commissioners? I just wanted to confirm. When the full building is used for its intended
293 purpose and worship services are held wherever they are intended to be held, the
294 parking does meet those requirements even with basement space included and that kind
295 of thing?

296
297 Mr. Wilhite - That is correct. At full build-out, they would have 6,117
298 square feet of worship area, and that's including the use of the entire existing dwelling as
299 worship, although their intent, I believe, is to have that as part of a residence for the
300 Imam there. So they're actually giving us the worst-case scenario. With that, 123 parking
301 spaces would be required, and they're providing 139 with the ability to add roughly about
302 21 more spaces off the access road.

303
304 Mrs. Jones - All right. Mr. Leabough, since you'll be handling this case,
305 would you like to hear from the opposition first or the applicant?

306
307 Mr. Leabough - Opposition is fine.

308
309 Mrs. Jones - Okay. I know we have a number of folks who'd like to speak,
310 and we welcome you to do so. What I'd like to ask are just a couple of things. One is that
311 if you want to get to a position where you can access the microphone, please speak into
312 the microphone clearly and tell us your name and address, because these are recorded
313 proceedings, and we want to hear what you have to say. If you could just refrain from

314 repeating the same points over and over, we would appreciate it so that we can make
315 sure we understand what your concerns are in an efficient way as well. Thank you.

316

317 Come on down whoever would like to start.

318

319 Ms. Satterwhite - Terry Satterwhite, 4713 Trail Wynd Court, Glen Allen,
320 Virginia, 23059. Twin Hickory.

321

322 I basically am referencing your 2026 Comprehensive Plan, your Henrico County Plan.
323 It's my understanding that this is a blueprint for directing development and growth for the
324 County through 2026. I just don't see where there's a fit, referencing your own material.

325

326 In Chapter 4 of the 2026 Plan, it talks about Goal 8. This is on page 25 of your plan. It
327 says, "Maintain and preserve residential character throughout the County and its
328 neighborhoods to promote the creation of an attractive community." That's your plan
329 under Vision, Goals, and Objectives. On page 30 of Chapter 4, number 30, it says, "To
330 minimize disruption and conflict among established residential, commercial, and
331 industrial uses and new uses." I see where there's a conflict there. And then on page 31
332 of Chapter 4, number 39, it says, "The County has an obligation to protect existing
333 development in residential areas from encroachment by incompatible or inappropriate
334 land uses." Right there, incompatible. I don't see this as being compatible being that this
335 is a residential area.

336

337 Under Chapter 5 of the 2026 Plan for Henrico County, page 37, it's talking about general
338 development policies, and number two says, "Encourage the development of new
339 development to be compatible with and complementary to existing land uses, and
340 compatible uses should not be closely located." It goes into site designs, buffers, that
341 kind of thing. So, I'd like for you to address those issues as well. Also, in Chapter 5 of the
342 2026 Plan, looking at page 41, it talks about the residential uses, and it talks about
343 keystone policies. Number two says, "Focus on promoting a high quality of life for
344 residents by promoting safety and stability within the neighborhoods." The safety we're
345 concerned about is traffic patterns because we have children that are walking to school
346 and are walking home from school. We have new drivers at the high school. On page 42,
347 number four, it says, "To avoid encroachment of non-residential uses into residential
348 areas." So, again, it's an area that I'd like to have addressed as to how this fits into our
349 neighborhood.

350

351 Under the 2026 Plan for Community Character for Henrico County on page 64, it talks
352 about, "The character of these areas should be safe and inviting for pedestrians and
353 bicyclists, and they should promote healthy living conditions." Then, it talks about the
354 residential areas and also addresses the character of suburban mixed-use areas, which
355 should have a decidedly residential character. Again, this is a residential area.

356

357 Then you're looking at page 76 of Chapter 6, and it talks about building design and
358 character, looking at architecture quality and style. This is in the Henrico County 2026
359 Plan. It says, "Large, monolithic architecture that does not reflect the local character and

360 quality of Henrico County should be discouraged.” The last sentence says, “All the
361 buildings in the development should incorporate consistent character, materials, texture,
362 color, and scale.” Thus, this isn’t a fit for a residential area.

363
364 Mrs. Jones - Ms. Satterwhite, thank you. Does anyone from the
365 Commission have a question for Ms. Satterwhite at the moment?

366
367 Mr. Leabough - Not at the moment.

368
369 Mr. Witte - I’d like to hear some more.

370
371 Mrs. Jones - Thank you for your comments.

372
373 Ms. Satterwhite - Thank you.

374
375 Mr. Carpenter - Jeff Carpenter. I live at 5909 Gate House Drive in Glen Allen,
376 Virginia, 23059.

377
378 I’d like to just expand a little bit on that plan thing. Most all development in that area, the
379 developers have taken particular care to set their development off a certain amount from
380 the road. It’s sort of the expectation of what’s become normal for that particular
381 neighborhood. The fact that this is a really large structure—it’s going to be three and
382 one-half acres—that’s not going to be really possible here. So, there is going to be a lot
383 of facing—parking lot and that kind of thing. It’s just not being able to offset like you
384 would see in other places around the community.

385
386 The other thing I would say is that speaking of churches and stuff in a two-mile radius
387 there, they have structures that are about half the size of this structure, and they tend to
388 have six to ten times as many members. This is what we were told at an information
389 meeting. Their member size was somewhere under 200. So, it’s not to scale, if you will. It
390 sort of says if this is that large of a structure, the congregation would be a lot larger, I
391 believe. So, the question would be, “Does the scale make sense to the congregation
392 size?”

393
394 Also, there is no definitive solution to the increased traffic, right? So, the large building
395 could be occupied by in excess of 500. Actually, if you look at it, it could top out at 1,500,
396 I believe, if you look at the square footage. I understand that there have been
397 established numbers that say for worship it’ll be this size and that size. If you think about
398 this for a second, you have the elementary school there, you have the daycare—this is in
399 this immediate area. You have the daycare there; you have the high school; you have
400 the public library; you have the Gayton Road Expansion; you have Striker Field. So, all of
401 that is right there on Shady Grove Road, and so it’s already congested. It’s quite
402 dangerous in a lot of cases. So, the only thing we’ve been told is that there are these
403 plans to improve the roads around that area. When I look at it, I don’t see that there is
404 anything either funded or planned; they’re just sort of projected to happen. I question
405 whether we can deal with the traffic that’s there. I mean there have been accidents

406 actually going down Shady Grove Road coming away from this particular site. There
407 have been accidents along the road facing it. So, it's a real serious concern.

408
409 The other thing I would say is in the plans we saw earlier, the use of space, I feel, is
410 vaguely defined. The reason why I bring that up is because that sort of drives your need
411 for parking and so forth, right? We were told that there would be a preschool kind of
412 activity going on, but if you look at the plan that they presented to you, it says, "Daycare."
413 That's a little different. There are nine classrooms in this structure. That sort of speaks to
414 something a little more than preschool. There is a kitchen. There is a basement. The
415 kitchen sort of speaks to are there larger ceremonies that are going to go on there
416 besides just a congregation that comes and leaves? What we were presented with was
417 the fact that there would be these congregations; they would come; they would worship;
418 they would leave; and it would be done in several different sessions, if you will, in a day.
419 That was how they addressed the traffic. What I'm trying to say is that it sort of speaks to
420 the fact there may be a larger type of ceremony, that kind of thing. It just sort of speaks
421 to that, right?

422
423 The basement comes into question. I didn't see any defined use for the basement. The
424 basement is a rather large space. So, again, this speaks to use; it speaks to parking. If
425 you're going to build a structure and you don't define that space, then I'm not certain that
426 we would actually have infrastructure in place to handle it—parking, considerations for
427 traffic and so forth.

428
429 Mrs. Jones - Mr. Carpenter, there are about two minutes left for your
430 neighbors. Are you close to being finished with your comments?

431
432 Mr. Carpenter - Yes, I have one other point.

433
434 Mrs. Jones - Okay. I just wanted to give others a chance as well.

435
436 Mr. Carpenter - Sure. The other point I have is the sustainability. It is a fact
437 that recently the petitioner almost lost the property due to foreclosure. So, it calls into
438 question the sustainability of the project. We were told it's about \$3.5 million, something
439 like that. With the size of that congregation, you then say, "Where are the funds coming
440 from?" It's not so much where they're coming from, but are they going to be there. The
441 concern is if that structure is built, then how would it be repurposed if it was foreclosed
442 upon. Then, what do you do if it's partially built and then its abandoned or stopped?
443 What do you do there? So, I believe, how to answer that question, possibly, is what if
444 you have an established building fund that is based on the percentage—a pretty high
445 percentage I would say, 70 percent or something—of the cost of the project before the
446 project starts. It sort of speaks to the fact that you can actually build it, come through with
447 it, and its sustainability.

448
449 Mrs. Jones - Okay. Are there questions for Mr. Carpenter?

450
451 Mr. Witte - Not at this time.

452
53 Mrs. Jones - Okay, thank you. We appreciate it.
454
455 Mr. Emerson - Madam Chair, you're at ten minutes and 20 seconds, if the
456 Commission wants to consider adding time to your time limits.
457
458 Mrs. Jones - Are there folks who would like to speak as well? All right.
459
460 Mr. Witte - It looks like there are several.
461
462 Mrs. Jones - Several? If you all could come down one by one and tell us
463 your concerns. Please try to keep your comments succinct, hopefully to a minute or so.
464
465 Mr. Spalding - Good morning, my name is Brian Spalding. I live at 4801
466 Autumnwood Drive. Autumnwood—if you come out of this intersection straight south
467 from this picture and run to the end of the road, that's where I live.
468
469 My kids walk to the elementary school. My daughter, she's 11. Our two older kids have
470 gone to the high school at Deep Run, and they walked to Deep Run. They took this path.
471 I think it's important to understand the traffic implications and what can happen. I hope
472 that everybody is thinking about that, thinking about the kids.
473
474 I'm concerned about the parking. I hope that there is not an overflow plan that allows for
75 street parking in the neighborhood. That's where our kids play.
476
477 The only other real objection I have is going to be noise. When there are events at the
478 high school, we hear it pretty clearly. It doesn't happen very often, the sporting events,
479 only the outdoor ones usually in the spring, sometimes the football games. I guess the
480 thing that concerns me is I'd like to understand how often there is going to be noise
481 interruption, what exactly that is, and if there is call-to-worship stuff that's on where we're
482 going to hear that. I think that's important to know.
483
484 Mrs. Jones - Thank you, Mr. Spalding. Would someone else like to come
485 up?
486
487 Ms. Lane - My name is Carla Lane, and I live at 11709 Autumnwood
488 Court, Glen Allen, Virginia, 23059. I'm a neighbor with Brian.
489
490 I do not want to go over what he has said, but just add to that I've been a resident of
491 Twin Hickory since March of 2001, so our family has definitely seen that area grow, the
492 progress, the congestion. I live one street over from Twin Hickory Road. I will reiterate
493 the accidents that have happened at that corner. We now have a new stoplight there,
494 which has helped some, but I just want to reiterate the fact that we do have children that
495 walk to Twin Hickory. My daughter did. We have the high school with a lot of new drivers
496 who don't quite understand the right-of-way or how you specifically drive; they are
97 learning. I am concerned, and my neighbors are concerned, specifically about the influx

498 of traffic. We now have that stoplight, so that is helping. Now, we have the Gayton Road
499 Extension coming, and we do not have statistics as to what the traffic flow is going to be.
500 We have not had any studies done because that's unknown right now. To me, I feel like
501 we're putting the cart before the horse by not looking at what type of influx is going to
502 happen from the Gayton Road Extension. We have people coming from Cauthorne Road
503 from Ashland that will be using that area. They will be passing both of these entrances
504 that are proposed. So, it seems to me that maybe we should take a look at what type of
505 impact we're going to have before we approve a 35,000-square-foot structure.
506

507 Lighting is also a concern. I'm one street over, so when Deep Run has football games, I
508 don't need any lights on my back porch; I'm pretty well lit up. I am concerned as to what
509 type of lighting we're going to have from the mosque being built there.
510

511 I guess in retrospect, when I moved into Twin Hickory, if you go onto the Twin Hickory
512 website, it talks about the fact that our children walk to school and to the library. We
513 follow paths to soccer practice. We have Striker Field there, which has a back entrance
514 onto Twin Hickory Road, which there's huge congestion there. Twin Hickory Elementary
515 School and Deep Run High School are located within the community, so it's not
516 surprising to see kids walking or riding their bikes to school. Also, Twin Hickory, the
517 amenities are within walking distance just as it was in the neighborhoods of yesteryear.
518 Just think, you can actually take a short stroll to pick up milk and bread.
519

520 In closing, I would just like to say we need to think about our children, our community,
521 what we're trying to get together as a community, and look at the safety, and look first at
522 the Gayton Road Extension, what our stoplight has done, and maybe then consider what
523 else we want to do in this community. Thank you.
524

525 Mrs. Jones - Thank you. Ms. Lane. Just so you know, in case you didn't
526 pick it up, the lighting plan is not part of this approval.
527

528 Ms. Lane - Yes, I do understand that. I just wanted to make sure that is
529 down the road.
530

531 Mrs. Jones - Absolutely.
532

533 Ms. Lane - Thank you.
534

535 Mrs. Jones - Is there anyone else who would like to make a comment?
536

537 Mr. Doerfler - My name is Will Doerfler, 5807 Park Creste Drive, Townes at
538 Shady Grove.
539

540 I'll be short. I think overall I would say that if a structure of this size and type goes
541 through, it's going to be a major game-changer for that area. I think it's a poor fit for the
542 neighborhood, as was pointed out earlier. My question to the Board is, "Has an impact
543 study been done on this as to the effects of traffic and economic conditions to

544 homeowners?" Homes are dropping in price, as you well know. A game-changer such as
545 this might turn out to be a real big hit for present values of homes in that area.

546
547 On the technical side, I'm wondering about the outdoor PA systems for call to worship
548 and other things that are not uncommon in the use of a mosque.

549
550 Thank you very much.

551
552 Mrs. Jones - Thank you. Any questions for Mr. Doerfler? All right, we thank
553 you for your comments.

554
555 Mr. Doerfler - Thank you.

556
557 Mrs. Jones - Is this the last person who would like to make comments?
558 Okay.

559
560 Ms. McFarlane - Hello, my name is Debbie McFarlane. I live at 4805
561 Autumnwood Drive, Glen Allen, 23059. Again, it's right across the street from this
562 proposed site.

563
564 I think it's very important to consider parking again. I know it has been mentioned, but I
565 think it's important to understand that already Deep Run High School has not allotted
566 enough parking for all of their drivers. In our neighborhood, on any common day, a
567 school day, we have high school members parking in our neighborhood. At the
568 homeowners' expense, we have had signs put up to say, "No parking during school
569 hours", and it's not enforced. So, on any given day, we have high school students
570 parking in our neighborhoods, throwing their trash, noise, and that kind of thing in our
571 neighborhood. Obviously, we're not happy about that so when you talk about putting
572 another large structure right next to Deep Run High School, it very much concerns me
573 because I don't think there are enough parking spaces. There's not enough land to
574 provide the parking for the kind of worship services and extra curricular activities that are
575 going to be going on there. I just do not want to see any additional parking. I don't want
576 my neighborhood to be a parking lot on Sunday, Monday, Tuesday, Wednesday,
577 Thursday, or Friday. I hope that you'll take that into consideration. Thanks.

578
579 Mrs. Jones - Thank you. Questions? All right. Mr. Leabough, would you
580 like to hear from the applicant to respond to these?

581
582 Mr. Leabough - Please.

583
584 Mrs. Jones - All right.

585
586 Mr. Leabough - I do have a question for Traffic, but I'll save it until after the
587 applicant.

588
39 Mrs. Jones - Whenever you like.

590
591 Mr. Shust - Good morning, members of the Commission. My name is
592 Chris Shust. I work with Balzer and Associates. I'm here representing the owners today.
593 I've taken some notes, and I'll go ahead and try to address some of the questions that
594 have been raised that we have some of the answers to. Then, I'll welcome any questions
595 that you may have after that, if that is acceptable.

596
597 In terms of the question that Mrs. Satterwhite brought up regarding traffic and safety, the
598 plans do show the addition of a turn lane into the facility. Working with Mr. Branin, we
599 have come back and added that second point of ingress and egress to the site. So, we
600 do have two points of access coupled with the turn lane and the overall improvements to
601 this intersection. We've worked with Traffic, and they have concurred that they feel that
602 this is a sound approach to the development of the parcel.

603
604 Mr. Carpenter brought up a question regarding the setbacks and development
605 encroaching too close to Shady Grove Road. The construction documents, the plans
606 shown up on the screen right now, do show the setbacks required for this property. We
607 are meeting the setbacks. In fact, we do have the building shifted back even further away
608 from Shady Grove Road, so I think that we are adequately addressing the setback needs
609 for this building and the development of the parcel.

610
611 Regarding the safety question, in addition to providing the turn lane to allow for traffic
612 movements to get out of the through lanes on Shady Grove Road, this development will
613 also be providing sidewalks consistent with the development of the rest of Twin Hickory,
614 for pedestrian traffic to move safely across the frontage of the property. So, I think that
615 the movement of people through the community is going to be unaffected. They still have
616 the ability to walk to the adjacent schools, walk from neighborhood to neighborhood.

617
618 There was a question about the use of the building. Similar with any other type of church,
619 place of worship, it's normal to have what I'll characterize as Sunday school classrooms
620 associated with worship space. That is in keeping with the function of this building. There
621 is the worship space and then the supporting classroom space for a Sunday school type
622 of education. The plan right now is to have a preschool. There is not a definite plan of
623 how quickly that will be implemented after the building comes into use, but they would
624 like to have a preschool-type use in the building. There are no plans at this time for a
625 school-type of use. That is something that this facility doesn't want to get into at this
626 point.

627
628 Jumping back to Mr. Spalding's question about safety and the parking issues with the
629 adjacent high school, we had a community meeting last week. Mr. Branin was present at
630 the meeting. He is very interested in working with the owners of the facility to address the
631 plan for parking and ways that this facility can be a good neighbor to the high school,
632 such as times of need for overflow parking for high school football games and things of
633 that nature. Mr. Branin conveyed to the community that was present that he will be
634 actively involved in working through that as we go through the construction documents.
635 The owners are receptive to that and welcome it.

636

37 In terms of the lighting, Mrs. Jones, you mentioned that that will be brought back as part
638 of a separate Planning Commission hearing. Again, at the community meeting, Mr.
639 Branin clearly conveyed that he will be actively involved in the development of the
640 landscaping and lighting for this site and that he is acutely aware of the sensitivity of
641 lighting and needing to keep that scale correct for the adjacent residential areas, and the
642 development of the landscape plan to adequately address the buffering needs within the
643 requirements of Code. He will be monitoring that and making sure that the needs are
644 addressed.

645
646 I think those were the highlighted points that the residents brought out. I'm happy to
647 address any other questions or get out of the way if you'd like to ask Traffic a question
648 now. I'll be available for other questions as they come up.

649
650 Mrs. Jones - I have a question as to timing of this project. Is it anticipated
651 that this is close to getting going once approvals are in line?

652
653 Mr. Shust - We are planning on about three years out to get going with
654 construction on the main building. There is a little bit of fundraising that is needed to
655 ensure that the funds are in place. They don't want to go forward with the project without
656 making sure that they are able to see it through to completion.

657
658 Mrs. Jones - Thank you for that. Are there other questions?

59
660 Mr. Leabough - You may have addressed this during your presentation, and
661 perhaps I missed it, but there were concerns raised about noise or things audible from
662 the community.

663
664 Mr. Shust - Thank you, Mr. Leabough. I did miss that and meant to
665 address it.

666
667 There is no outside call to worship in the traditional sense that a mosque has where you
668 might have a speaker up in the minaret that would be projecting. On the architectural
669 elevation, you can see that there is a covered walkway across the front of the building or
670 patio space, if you want to characterize it that way. There will be speakers in that area.
671 They are low-volume speakers. There will be no projection of volume across the property
672 line for that. It is meant to be only for use over that covered space.

673
674 Mr. Leabough - I have a question for Traffic.

675
676 Mrs. Jones - Yes. I have another question as well, but let me just ask this.
677 One more question for you. Walking to school. The sidewalks will be the entire perimeter
678 of the property?

679
680 Mr. Shust - Yes, and let me clarify that for you. If you look at where my
81 mouse is, this is the beginning of the property line for this property. The sidewalk will be

682 installed across the frontage of the property over here along Shady Grove Road. This
683 piece of property is not part of the mosque's property. It is under different ownership. At
684 the time of development of that parcel, I'm sure they would be required to come back
685 and address any residual sidewalk needs.

686
687 Mrs. Jones - So there is an agreement in place for the access?

688
689 Mr. Shust - Yes. They've met with the adjoining property owner, and he
690 has agreed to permit the access.

691
692 Mr. Witte - Is that in writing?

693
694 Mr. Shust - I don't think it's been formalized yet because it's so new. We
695 do have the verbal agreement, and we did discuss that with Mr. Branin.

696
697 Mr. Emerson - And the owner has signed the plan of development, right?

698
699 Mr. Shust - That is correct.

700
701 Mr. Emerson - So, they're committed by that plan and that signature?

702
703 Mr. Shust - Yes, sir, that is correct.

704
705 Mrs. Jones - We just want to make sure these things are covered.

706
707 Mr. Shust - I understand.

708
709 Mrs. Jones - Thank you. I have further questions as well, but I—

710
711 Mr. Thornton - Madam Chair?

712
713 Mrs. Jones - Yes, I'm sorry. Mr. Thornton.

714
715 Mr. Thornton - May I ask a question?

716
717 Mrs. Jones - Sure.

718
719 Mr. Thornton - I'm always concerned about communication. What we have
720 here is we have a new edifice coming. I'm always concerned about what do you have in
721 place as you're coming into a new community to address the issue of change,
722 collegiality, and do you have anything in place for better communication with the new
723 community you're moving into? You see the issues that are brought up about traffic,
724 about safety and all that. I would think—and I know I can't speak for everyone, but I'm
725 pretty sure that you're concerned about these concerns. It's very important for you as a
726 new neighbor to establish that type of ambiance with the people who dwell there, who
727 have been there some time. I hope that your group will put something in place coming

728 into the new community you have lines of communication where people will still say, "I
729 may have questions; I need for you to show me about this and that". These are
730 sensitivities and sensibilities I think need to be touched. Sometimes, in these hearings,
731 people don't talk about those things. I would hope that you will be sensitive to that. The
732 houses were there first, and we give something to that. When you have another edifice
733 coming, I think there needs to be some collegiality, some type of ambiance to assure
734 those persons that you're not going to have anything that's going to be detrimental.
735 These are things I don't hear so much in these discussions, but I think they are vitally
736 important.

737
738 Mr. Shust - Yes, sir. We actually did discuss that at the community
739 meeting when Mr. Branin was there. The members of the congregation and the board
740 already have an established website, and Twin Hickory is definitely at the front edge of
741 technology when it comes to communication in terms of their website and their
742 newsletter. We already have an established line of communication with the homeowners'
743 association. The board has communicated that they will be conveying information as
744 they move through the steps of the development process. Twin Hickory also has a very
745 active association in terms of activities. There was an expressed desire to ensure that
746 there is communication to make sure if there's something going on at the mosque and
747 there is a larger activity planned for the community or the neighborhood at the same
748 time, that they are coordinated. That was discussed. It was conveyed that there is a
749 desire to continue and build upon that level of communication that has been started
750 already.

751
752 Mr. Thornton - When I talk about communication, websites are fine, but
753 we're talking about people. People need to discuss things as they're looking at each
754 other and these types of things. Also, we're talking about cultural differences. So, I hope
755 that some of those issues will be addressed and shared with the homeowners to erase
756 any maybe fears that they may have or tendencies that they have about that. Again, I'm
757 just hopeful now that you'll be aggressive in this particular area.

758
759 Mr. Shust - I think as with any other place of worship that is coming into a
760 community, they have a strong desire to reach out to the community. It's no different for
761 this facility as they start moving forward. They have a desire to move into the community
762 and be a good neighbor and a supporting neighbor.

763
764 Mr. Thornton - Thank you.

765
766 Mr. Shust - Thank you.

767
768 Mrs. Jones - Thank you, Mr. Thornton, for your comments.

769
770 Mr. Leabough - Madam Chair, may we hear from the Traffic Engineer? I have
771 a question. A lot of the individuals that spoke raised concerns around traffic. They asked
772 if a traffic impact study had been developed. Mr. Catlett?

73

774 Mr. Catlett - Good morning, Madam Chair, members of the Commission.
775 Tommy Catlett with Traffic Engineering. We did not require an impact study with this size
776 of development. We typically require them on larger developments. Shady Grove and
777 Twin Hickory are major collector roads on the County's Thoroughfare Plan. Shady Grove
778 currently has 4,500 vehicles per day, and Twin Hickory currently has 12,000 vehicles per
779 day. The expected traffic on Shady Grove after North Gayton is completed and opened
780 is 5,500 vehicles per day. So, the numbers will fluctuate slightly in the future, but they're
781 still lower than anticipated for this type of roadway. Based on the information I received
782 from the Islamic Center, the maximum trip generation is expected to be 75 vehicles in
783 one hour between noon and one. So, with the addition of the proposal, the existing
784 roadways will be able to handle the traffic generated from the site.

785
786 Pedestrian accommodations were mentioned. They're being made with the installation of
787 a sidewalk with our North Gayton project. The development will be responsible for
788 relocating the sidewalk with the installation of their turn lane, as shown on the plan.

789
790 Is there anything else you want me to discuss?

791
792 Mr. Leabough - You mentioned that the roadways can accommodate the
793 traffic that would be generated by this development.

794
795 Mr. Catlett - Yes.

796
797 Mr. Leabough - Are there any other safety issues? You mentioned the turn
798 lane. Are there any other safety issues that you know about?

799
800 Mr. Catlett - We were requiring the second point of access with this
801 development because of the proximity to the intersection, the traffic generated by the
802 site, and the median on Shady Grove with the installation of our North Gayton project
803 that only permits a right-in and right-out. So, that is why were requiring the second point
804 of access for the site.

805
806 Mr. Leabough - So, that second point of access addresses the concerns that
807 you have?

808
809 Mr. Catlett - Yes, sir.

810
811 Mr. Leabough - Thank you. Madam Chair?

812
813 Mrs. Jones - The parking. I have asked Mr. Wilhite about it, and I will ask
814 you about it as well. It is your estimation, if I'm understanding you correctly, that the
815 parking is adequate on this parcel, and you have no objection to the plan as presented?

816
817 Mr. Catlett - Yes, ma'am. The development is required to have adequate
818 parking for the intended use, so I don't see it as being a concern.

819

820 Mrs. Jones - All right, thank you.

821

822 Mr. Witte - I have a question, but maybe you're not the right one. As far
823 as Ms. McFarlane, who brought up the issue that even with the parking signs, she still
824 has problems in her development.

825

826 Mr. Catlett - Yes, sir. That would be an enforcement issue. I could contact
827 police and ask them to check into that.

828

829 Mr. Witte - Do you know if the sign has to say that towing is enforced for
830 it to be able to be towed?

831

832 Mr. Catlett - No, sir. If it's a no-parking sign—if it has a time frame and
833 they're parked within that time frame, obviously, it should be towed or ticketed.

834

835 Mr. Witte - So, it's a matter of the—

836

837 Mr. Catlett - But it's more of an enforcement issue.

838

839 Mr. Witte - Okay. So, it's more of a homeowners' association duty to call
840 and report the vehicles to have them towed?

841

842 Mr. Catlett - Yes, sir.

843

844 Mr. Witte - I don't think it would take many tows before people would
845 stop parking there.

846

847 Mr. Catlett - Yes, sir.

848

849 Ms. McFarlane - [inaudible.] That's not true. They've been called—

850

851 Mr. Witte - Excuse me. We need you to speak into the microphone.

852

853 Mr. Catlett - We've installed the signs; we don't enforce the signs. That's a
854 police matter.

855

856 Mr. Witte - Thank you.

857

858 Mrs. Jones - I would like to ask—thank you, Mr. Catlett—I would like to ask
859 our secretary, just because I think it's important to address points that you all have
860 raised. Ms. Satterwhite was the one who talked about the Comprehensive Plan. I wanted
861 our secretary, who is the director of Planning, to just discuss that a little bit as far as the
862 compatibility issue with places of worship and neighborhoods.

863

864 Mr. Emerson - Yes, ma'am, Madam Chair. There were several items raised
865 regarding compatibility out of the Comprehensive Plan, the 2026 Plan, indicating that

866 there may be incompatibility here, items such as maintain and preserve residential
867 character, disruption among uses, protecting residential, or protecting development from
868 incompatible use, things of that nature, focus on high quality, non-residential uses,
869 character of SMX. What I would note to you is that a residential use and a religious use
870 are compatible. Places of worship have existed for centuries within residential
871 neighborhoods, and that's a normal pattern of development in the United States. It is
872 anticipated in the Comp Plan that is a compatible residential use. Now, in regards to
873 scale, setback, things of that nature, as long as it meets the required setbacks, parking,
874 and other elements of the Zoning Code, it is meeting that. The Zoning Code dovetails
875 into the Comp Plan in terms of enforcing its goals, objectives, and policies. So, the
876 landscaping plans, the setbacks, things of that nature, are meant to address scale. In
877 terms of general architecture, we don't get into that. There are protections under the
878 Religious Land Use Act that came from the federal government regarding certain
879 architectural elements that reflect certain religions, such as steeples, minarets, and
880 things of that nature. So, a place of worship is a compatible use within a residential
881 community.

882
883 Mrs. Jones - Are there further questions from the Commission? Mr
884 Thornton?

885
886 Mr. Thornton - Madam Chair, I just hope that the issue that was brought up
887 about the people parking indiscriminately, that we're going to take a look at that because
888 I think that's onerous to the community.

889
890 Mrs. Jones - I think that's a point well taken; thank you. I'll make sure there
891 is follow-up on that. Mr. Branin, I think, was touching on that at the community meeting.
892 Thank you for reinforcing that.

893
894 Mr. Witte - I do agree with Ms. McFarlane that parking is a problem over
895 there; I've been to a few football games over there. I sympathize with them. I'm not sure
896 what legal grounds they have as far as having the vehicles towed themselves or the
897 HOA towing the vehicles. I know on private property you can tow. I certainly sympathize
898 with them, and I think that that needs further review by the HOA.

899
900 The architectural deviation—I also understand how they would like the building to more
901 closely mimic the high school or the surrounding buildings, but I'm not sure what can be
902 done. I think everything else has been spoken for.

903
904 Mrs. Jones - All right. Anything else? Mr. Leabough?

905
906 Mr. Leabough - I did have the opportunity to speak with Mr. Branin. He did
907 express that he understands the concerns around the parking and the other issues
908 raised by the community. So, he has agreed that the landscape and lighting plan will not
909 be part of this approval; that will be brought back before the Commission. So, I will just
910 share that with the community.

911

912 Mrs. Jones - Excuse me for a moment. Mr. Leabough, would you mind if I
913 called Mr. Wilhite back up for a question?

914
915 Mr. Leabough - Sure.

916
917 Mrs. Jones - Okay. Mr. Wilhite, in looking over the agenda, unless there is
918 an addendum item that I have missed—is Condition #9 amended part of this? Have you
919 discussed that with Mr. Branin?

920
921 Mr. Wilhite - Mr. Branin had indicated that he would prefer the landscape
922 and lighting plan to come back for approval by the Planning Commission rather than
923 having the staff do it administratively. That does not appear on your agenda.

924
925 Mrs. Jones - So, we do not have to have Condition #9 amended listed
926 here?

927
928 Mr. Wilhite— As part of the motion—no, not on the agenda—as part of the
929 motion, changing it to Conditions #9 and #11 amended. It should be part of the motion if
930 you want it to come back to the Planning Commission.

931
932 Mrs. Jones - Okay, I'm sorry. I just wanted to clarify that. Landscape and
933 lighting will be coming back separately. Thank you.

934
935 Mr. Emerson - Madam Chair, too, before we move forward, I'd like to just
936 ask the applicant one question. Are you in complete understanding of Condition #36? In
937 the letter from the Director of Planning and Building Official, dated December 8th—to my
938 knowledge, we have not received a response to that letter. It did deal with inspection and
939 life safety types of issues concerning improvements made to the building without
940 permits. We would like that at some point before this moves forward to be rectified.

941
942 Mr. Shust - Could I have one minute just to speak to the—?

943
944 Mr. Emerson - Yes.

945
946 Mr. Shust - Thank you for that moment, Mr. Emerson. Our response to
947 that has come by submitting an application for a building permit for the structure. Are you
948 requiring something in addition to that?

949
950 Mr. Emerson - Has that been submitted?

951
952 Mr. Shust - That has been submitted.

953
954 Mr. Emerson - I was not aware that had been submitted.

955
956 Mr. Shust - Yes.

57

958 Mr. Emerson - Okay.
959
960 Mrs. Jones - Anything further?
961
962 Mr. Leabough - Okay. Madam Chair, I move that we approve POD2012-
963 00224, West End Islamic Center, subject to standard conditions for developments of this
964 type, Conditions #9 and #11 amended, as well as the additional conditions noted on the
965 agenda, which would be Conditions #29 through #36.
966
967 Mr. Witte - Second.
968
969 Mrs. Jones - Motion by Mr. Leabough, seconded by Mr. Witte. All in favor
970 say aye. All opposed say no. The ayes have it; the motion passes.
971
972 The Planning Commission approved POD2012-00224, West End Islamic Center, subject
973 to the annotations on the plans, the standard conditions attached to these minutes for
974 developments of this type, and the following additional conditions:
975
976 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
977 Planning for review and Planning Commission approval prior to the issuance of
978 any occupancy permits.
979 11. **AMENDED** - Prior to the approval of an electrical permit application and
980 installation of the site lighting equipment, a plan including depictions of light
981 spread and intensity diagrams, and fixture specifications and mounting height
982 details shall be submitted for Department of Planning review and Planning
983 Commission approval.
984 29. The right-of-way for widening of Shady Grove Road as shown on approved plans
985 shall be dedicated to the County prior to any occupancy permits being issued. The
986 right-of-way dedication plat and any other required information shall be submitted
987 to the County Real Property Agent at least sixty (60) days prior to requesting
988 occupancy permits.
989 30. A concrete sidewalk meeting County standards shall be provided along the north
990 side of Shady Grove Road.
991 31. Outside storage shall not be permitted.
992 32. Approval of the construction plans by the Department of Public Works does not
993 establish the curb and gutter elevations along the Henrico County maintained
994 right-of-way. The elevations will be set by Henrico County.
995 33. The location of all existing and proposed utility and mechanical equipment
996 (including HVAC units, electric meters, junction and accessory boxes,
997 transformers, and generators) shall be identified on the landscape plans. All
998 equipment shall be screened by such measures as determined appropriate by the
999 Director of Planning or the Planning Commission at the time of plan approval.
1000 34. Except for junction boxes, meters, and existing overhead utility lines, and for
1001 technical or environmental reasons, all utility lines shall be underground.

- 1002 35. Evidence of a cross access and maintenance agreement for the access drive
1003 across parcel 742-770-1121 shall be submitted to the Department of Planning and
1004 approved prior to the issuance of a certificate of occupancy for the new building.
1005 36. The use of the existing structure as a place of worship shall meet all requirements
1006 as outlined in the letter from the Director of Planning and the Building Official to
1007 Islamic WAQF of Virginia, Inc., and dated December 8, 2011.
1008

1009 **PLAN OF DEVELOPMENT**
1010

POD2012-00227
Martin's Fuel Center at
John Rolfe Commons
Shopping Center – 2108
John Rolfe Parkway

Bowman Consulting Group, Ltd. for The Wilton Companies, LLC and Giant Food Stores, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a fuel facility with 5 pump islands and a 128-square-foot kiosk in an existing shopping center. The 1.2-acre site is located on the north line of Ridgefield Parkway, approximately 800 feet west of John Rolfe Parkway, on parcel 736-751-0405. The zoning is B-2C, Business District (Conditional). County water and sewer.
(Tuckahoe)

1011
1012 Mrs. Jones - Good morning, Ms. Goggin. Before you start, is there
1013 opposition? The gentleman who was expressing opposition, Ms. Goggin, have you
1014 had—oh, you do have opposition. Okay. Ms. Goggin, could you clarify, are all the issues
1015 taken care of on this?
1016

1017 Ms. Goggin - Yes, ma'am. When I say more or less, the adjacent property
1018 owners in the adjacent subdivision have notified staff of noise concerns associated with
1019 operation of the existing shopping center, deliveries, etc. Jennifer Mullen, who
1020 represents Martin's, is going to contact Martin's to see what they can do concerning their
1021 existing operations to see what can be modified to try to alleviate the noise issue. Staff
1022 has also encouraged the adjacent property owners to contact us when this occurs. You
1023 never know; it could be specifically one delivery truck or something that happens on a
1024 regular basis that we could narrow down so we know that this is occurring. They have
1025 our contact information. We want to work with them to resolve this issue. The site has
1026 been designed to accommodate fuel trucks with minimum backing up, etc., and the fuel
1027 trucks will have to cut off when they refuel, due to safety laws, fire hazards and such.
1028

1029 Mrs. Jones - Which will address the noise concern?
1030

1031 Ms. Goggin - Yes, ma'am. Their main concern is with the current action at
1032 the rear of the shopping center.
1033

1034 Mrs. Jones - All right. If you would like to just introduce this case, I then
1035 would ask Ms. Mullen to come forward. I have one question for her at that point.
36

1037 Ms. Goggin - The request is for approval to construct a five-island fuel
1038 center on an existing outparcel in John Rolfe Commons Shopping Center. Staff would
1039 like to note that the proposed use is permitted by right within the district and per proffers.
1040 Unlike previous requests of this nature, this fueling center will not eliminate existing
1041 parking within a shopping center because it will be on an outparcel within the shopping
1042 center.

1043
1044 The applicant is providing a brick kiosk, brick columns, and a standing seam metal
1045 mansard roof, as previously approved on similar requests, to provide screening and keep
1046 the existing quality as set by Martin's. The colors will blend in with the existing shopping
1047 center.

1048
1049 Staff can recommend approval subject to the annotations on the plans, the standard
1050 conditions for developments of this type, the additional conditions in the agenda, and the
1051 additional condition in the handout addendum.

1052
1053 Mrs. Jones - All right, thank you very much. I appreciate you working to
1054 resolve the questions that were raised. I'd like to just ask a quick question.

1055
1056 Ms. Mullen - Yes, ma'am, Jennifer Mullen with Williams Mullen.

1057
1058 Mrs. Jones - Hello. Well, Ms. Mullen, we thought this was easy, but I did
1059 want to ask you about this. Noise is a considerable disturbance, obviously, for
1060 residences, from previous fuel center cases that we've had. I just want to confirm with
1061 you about the way in which Martin's will handle the conversation between the folks in the
1062 kiosk and customers as far as that noise level.

1063
1064 Ms. Mullen - Yes, ma'am. It is an intercom system, and that intercom does
1065 not play music; it is not a continual noise. That intercom system, I believe, is regulated
1066 federally as to the noise level. We obviously will comply with all County codes and police
1067 regulations.

1068
1069 Mrs. Jones - So, actually it is no different than a conversation being held?

1070
1071 Ms. Mullen - Correct.

1072
1073 Mrs. Jones - That was my understanding, and I just wanted you to confirm
1074 it with me. I would very much appreciate if your client could address some of the issues.
1075 With the help of Ms. Goggin and your client, hopefully this gentleman's concerns can be
1076 resolved in some way.

1077
1078 Ms. Mullen - Yes, ma'am, understood. Martin's is interested in the
1079 community, and we'll work towards a resolution on some of the issues as best we can.

1080
1081 Mrs. Jones - All right.

1082

1083 Ms. Mullen - Thank you.
1084
1085 Mrs. Jones - I do thank you. All right. Does anybody have any further
1086 questions about the case? All right. In that case, I will move that POD2012-00227,
1087 Martin's Fuel Center at John Rolfe Commons Shopping Center, be approved. This is
1088 subject to the annotations on the plans, the standard conditions for developments of this
1089 type, the Conditions #29 through #34 listed on the agenda, and additional Condition #35
1090 on the addendum.
1091
1092 Mr. Leabough - Second.
1093
1094 Mrs. Jones - Motion by Mrs. Jones, seconded by Mr. Leabough. All in
1095 favor say aye. All opposed say no. The ayes have it; the motion passes.
1096
1097 The Planning Commission approved POD2012-00227, Martin's Fuel Center at John
1098 Rolfe Commons Shopping Center, subject to the annotations on the plans, the standard
1099 conditions attached to these minutes for developments of this type, and the following
1100 additional conditions:
1101
1102 29. The proffers approved as a part of zoning case C-66C-88 shall be incorporated in
1103 this approval.
1104 30. The conceptual master plan, as submitted with this application, is for planning and
1105 information purposes only.
1106 31. The location of all existing and proposed utility and mechanical equipment
1107 (including HVAC units, electric meters, junctions and accessory boxes,
1108 transformers, and generators) shall be identified on the landscape plan. All
1109 building mounted equipment shall be painted to match the building, and all
1110 equipment shall be screened by such measures as determined appropriate by the
1111 Director of Planning or the Planning Commission at the time of plan approval.
1112 32. Only retail business establishments permitted in a B-2 district may be located in this
1113 center.
1114 33. The ground area covered by all the buildings shall not exceed in the aggregate 25
1115 percent of the total site area.
1116 34. No merchandise shall be displayed or stored outside of the building(s) or on
1117 sidewalk(s).
1118 35. The fuel pricing signs shall be for fuel price display only, and shall not include any
1119 changeable messages, scrolling or flashing.
1120
1121

1122 **PLAN OF DEVELOPMENT**

1123

POD2012-00225 **Timmons Group for West Broad Village V, LLC and Parkway Construction and Associates:** 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, 7,891 square foot restaurant with 1,137 square feet of outdoor dining. The 0.29-acre site is located on the south line of W Broad Street (U.S. Route 250), approximately 200 feet west of Brookriver Drive, on parcel 743-761-1500. The zoning is UMUC, Urban Mixed Use (Conditional) and WBSO, West Broad Street Overlay District. County water and sewer. **(Three Chopt)**

1124

1125 Mrs. Jones - Good morning, Mr. Kennedy.

1126

1127 Mr. Kennedy - Good morning, Madam Chairman, members of the
1128 Commission.

1129

1130 Staff notes that this is the first Chuy's in Virginia, and it will be their northern-most and
1131 eastern-most restaurant. They are primarily located in Texas. They have 32 locations in
1132 six states; this will be their seventh state.

1133

1134 Chuy's original design for their eclectic Tex-Mex restaurant does not satisfy the West
1135 Broad Street Design Guidelines, and they have been working with staff on resolving
1136 those issues.

1137

1138 The revised site plan and floor plan in the packet were received on time. The elevations
1139 were revised after the deadline on Friday.

1140

1141 The applicant has revised the floor plan and site plan to provide the Commission with a
1142 lot more detailing of the building along the building faces and to provide better
1143 identification of the building entrance.

1144

1145 In addition, the applicant has reversed the building orientation. Originally it was facing
1146 Kona Grill; it now faces a future building site. Previously there was three-foot retaining
1147 wall in front of the main entrance, and it was kind of difficult to get access to it. The
1148 building entrance now faces west. The entrance is now at grade, increasing the number
1149 of parking spaces available, improving handicapped accessibility, and improving loading,
1150 as well as permitting parking to abut the main entrance to the building as opposed to
1151 being across the drive aisle. So there are significant changes to the site plan, and staff
1152 does recommend approval of the site plan at this time.

1153

1154 On Monday the applicant submitted some revised elevations. The original elevations,
1155 which are in the packet, are kind of interesting. We'll scroll down to that so you can see
1156 it. They're kind of bright pink, and they have a lot of painted brick elements. Some of

1157 those elements have been revised as of Monday. The applicant submitted those
1158 elevations. They are included in the addendum, but they were not submitted on time.
1159 The revised elevations provide a natural red brick instead of a painted pink brick as the
1160 main element, and they also provide a raised seam roof on all four elevations. They also
1161 substituted a blue-grey stone veneer for the blue painted brick along the base. It's
1162 LedgeStone by Lone Star so it comes out of Texas and reflects the Tex-Mex mix. This
1163 was instead of the proposed blue painted brick around the base, which is another
1164 significant change.

1165
1166 The colors on the revised elevations are a little bit better; it's not as bright pink, as you
1167 can see. Instead of having that pink, it has the red brick. The revised colors on the
1168 elevations don't do justice to the sample, to the color samples, because it's really—it's
1169 still better than this. They've toned down those colors to make them more earth
1170 tones and more natural. We do have those samples now; we just received them
1171 yesterday. Oh, I would like to note Mr. Branin has not seen them.

1172
1173 Chuy's has also replaced the flat blue-and-green wood border along the top of the
1174 building here with a cornice feature. That cornice is still the same color, but it now
1175 reflects the depth and detailing of the cornices on the adjoining buildings that are found
1176 throughout the development.

1177
1178 Staff notes that the cornice will not—and I stress will not have the neon banding. The
1179 detail on that was neon on most of their structures, but neon is not permitted to outline
1180 buildings. So, the neon banding is not permitted by design guidelines.

1181
1182 Yesterday staff met on site with the applicant's representative. We have compared those
1183 features, but Mr. Branin has not seen the new materials as of yet.

1184
1185 There are a couple other details that the applicant has agreed to change on this
1186 elevation here. This glass block window feature the applicant has agreed to break up so
1187 it looks more like standard windows when you walk into the building. There is still some
1188 painted brick here, and he's agreed to change that to red brick.

1189
1190 In the end, Mr. Branin has not seen this. We'll need a waiver of time limits for the new
1191 elevation and new materials. What staff is recommending at this time is approval of the
1192 site plan.

1193
1194 Mr. Emerson - Madam Chair, I spoke with Mr. Branin last evening. He
1195 requested that we hold the entire project, but in discussions this morning, I think we're
1196 alright with sending the site plan forward to allow the applicant to move forward with site
1197 work. However, the elevations and materials, we'd like to hold back and defer those to
1198 September 26.

1199
1200 Mrs. Jones - I think that sounds reasonable, because it is a large portion of
1201 this project and very distinctive.

1203 Mr. Kennedy - Staff does note that Chuy's will maintain the eclectic interior
1204 of the building design that they have established as their identity. That includes the
1205 hubcap ceiling room, a shrine to Elvis, and a Cadillac salsa bar. Staff does have photos
1206 of the interior should you be interested in seeing those.
1207
1208 Mr. Emerson - We can probably view those when we look at the elevations,
1209 don't you think?
1210
1211 Mrs. Jones - Yes. We'll look forward to that.
1212
1213 Mr. Kennedy - That concludes my presentation. Greg Klimko, AIA, Director
1214 of Architecture for Parkway Construction and Associates and the designated
1215 representative for Chuy's, is present to answer questions, as is Joe Vilseck, their
1216 engineer.
1217
1218 Mrs. Jones - I have one question. You said that this project did or did not
1219 meet the requirements with the West Broad Street Overlay District?
1220
1221 Mr. Kennedy - At this time, we're still considering that. There are some
1222 features that need to be addressed.
1223
1224 Mrs. Jones - Some architectural features?
1225
1226 Mr. Kennedy - Architectural features. We're still working on that.
1227
1228 Mr. Leabough - But nothing that impacts the site plan?
1229
1230 Mr. Kennedy - Nothing that impacts the site plan.
1231
1232 Mrs. Jones - Okay. Thank you. Any questions for Mr. Kennedy? Okay. In
1233 order to take out the architectural, how should we do that? Should we do that first?
1234
1235 Mr. Leabough - Is there any opposition? Have you asked for opposition?
1236
1237 Mrs. Jones - I apologize. I think I have not. Is there opposition to this
1238 project, POD2012-00225, Chuy's Mexican Food Restaurant at West Broad Village?
1239 Thank you.
1240
1241 Mr. Leabough - I just wanted to make sure before I made that motion.
1242
1243 Mrs. Jones - That certainly needed to be asked; I thank you.
1244
1245 Mr. Leabough - All right. So first I would move that we defer the elevations to
1246 the September 26, 2012 meeting for POD2012-00225, Chuy's Mexican Food Restaurant
1247 at West Broad Village.
1248

1249 Mrs. Jones - Second. It has been moved by Mr. Leabough, seconded by
1250 Mrs. Jones that we defer the architectural for this project to the September 26, 2012,
1251 meeting by request of the Planning Commission. All in favor say aye. All opposed say
1252 no. The ayes have it; the motion passes.

1253
1254 Mr. Leabough - I move that we approve POD2012-00225, Chuy's Mexican
1255 Food Restaurant at West Broad Village, subject to the annotations on the plans, the
1256 standard conditions for developments of this type, and Conditions #29 through #33 as
1257 noted on the agenda.

1258
1259 Mr. Witte - Second.

1260
1261 Mrs. Jones - Excuse me. As well as the revised plan reflected on the
1262 addendum. Correct?

1263
1264 Mr. Leabough - In addition to the revised plan. I'm sorry. Thank you, Madam
1265 Chair.

1266
1267 Mrs. Jones - Okay. Motion by Mr. Leabough, seconded by Mr. Witte. All in
1268 favor say aye. All opposed say no. The ayes have it; the motion passes.

1269
1270 The Planning Commission approved POD2012-00225, Chuy's Mexican Food Restaurant
1271 at West Broad Village, subject to the annotations on the plans, the standard conditions
1272 attached to these minutes for developments of this type, and the following additional
1273 conditions:

- 1274
1275 29. The proffers approved as a part of zoning case C-12C-06 shall be incorporated in
1276 this approval.
1277 30. A construction staging plan which includes details for traffic control, fire protection,
1278 stockpile locations, construction fencing and hours of construction shall be
1279 submitted for County review and prior to the approval of any final construction
1280 plans.
1281 31. The developer shall install an adequate restaurant ventilating and exhaust system
1282 to minimize smoke, odors, and grease vapors. The plans and specifications shall
1283 be included with the building permit application for review and approval. If, in the
1284 opinion of the County, the type system provided is not effective, the Commission
1285 retains the rights to review and direct the type of system to be used.
1286 32. The location of all existing and proposed utility and mechanical equipment
1287 (including HVAC units, electric meters, junction and accessory boxes,
1288 transformers, and generators) shall be identified on the landscape plans. All
1289 equipment shall be screened by such measures as determined appropriate by the
1290 Director of Planning or the Planning Commission at the time of plan approval.
1291 33. Except for junction boxes, meters, and existing overhead utility lines, and for
1292 technical or environmental reasons, all utility lines shall be underground.

1293
1294

1295 **PLAN OF DEVELOPMENT AND LIGHTING PLAN**

1296

POD2012-00226 **AES Consulting Engineers for Shahid Ali:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to convert a one-story, 3,108 square foot existing bank building in an existing shopping center into a restaurant building with drive-through facilities. The 0.59-acre site is located on the north line of W. Broad Street (U.S. Route 250), approximately 750 feet east of the intersection of Carousel Lane and W. Broad Street, on parcel 763-753-4123. The zoning is B-3, Business District. County water and sewer. **(Brookland)**

1297
1298 Mrs. Jones - Good morning again, Mr. Pambid. Is anyone here in
1299 opposition to POD2012-00226, Popeye's at Fountain Square Shopping Center? No one.
1300 All right, Mr. Pambid.

1301
1302 Mr. Pambid - Good morning. The proposal is for the renovation of an
1303 existing bank building to a 3,108-square-foot one-story restaurant with a drive-through.
1304 The pad site is located within an existing shopping center, and access is maintained
1305 internally with no direct connections to West Broad Street.

1306
1307 The plan that was distributed this morning in your addendum shows a revised location of
1308 the trash dumpster enclosure away from W. Broad Street, required nine-foot parking lot
1309 landscape islands, and angled parking within the entire site along the one-way drive
1310 aisle. The revised plan was received on time.

1311
1312 The existing bank is a single-story EIFS-and-brick building painted in light and dark beige
1313 tones with a drive-through facing W. Broad Street. A drive-through is proposed on the
1314 east side of the building, so that is shifting. The building's exterior renovations consist of
1315 a new wraparound stone foundation and existing brick panels and EIFS, which will be
1316 repainted a golden color. Visually, the height will be increased with parapets, but no
1317 additional stories are proposed.

1318
1319 The site lighting plan features four concealed-source light fixtures mounted on poles that
1320 are consistent with existing shopping center lights and conform to County standards.
1321 Staff has requested lower profile light fixtures and has provided the engineer with cut
1322 sheets of fixtures from previously-approved PODs matching that request.

1323
1324 Staff recommends approval subject to the annotations on the plans, the standard
1325 conditions for developments of this type, and additional Conditions #11B, and #29
1326 through #35. This concludes my presentation. Staff can now field any questions you
1327 have regarding this. Bill Johns with AES Engineers is also here, and the developer,
1328 Shahid Ali, is also present.

1329

1330 Mr. Witte - Mr. Pambid, I have a question concerning the actual color of
1331 the building. It's kind of a darker photograph that I have here. Is that a bright yellow? Can
1332 you step up here, please?
1333
1334 Mrs. Jones - Could you state your name, please, for the record?
1335
1336 Mr. Ali - Shahid Ali.
1337
1338 Mrs. Jones - Could you spell your last name, please?
1339
1340 Mr. Ali - A-I-i.
1341
1342 Mrs. Jones - A-n-i?
1343
1344 Mr. Ali - A-I-i.
1345
1346 Mrs. Jones - I am sorry. Hello, Mr. Ali. Nice to have you.
1347
1348 Mr. Ali - [Showing design book to Commission] That's the layout.
1349 That's the right color. It's a peach. It's a crisp peach.
1350
1351 Mr. Emerson - Looks like a standard color.
1352
1353 Mr. Witte - Is that the standard color for all your restaurants or all the
1354 Popeye's?
1355
1356 Mr. Ali - That's the new image for 2011/2012.
1357
1358 Mr. Witte - Okay. So, basically this is the design, the color of—
1359
1360 Mr. Ali - It's based on the prototype. As you know, Popeye's has been
1361 around for 40 years, so over the years, I've had to change it to be more up to date with
1362 present standards.
1363
1364 Mr. Witte - Okay, thank you. I have no further questions.
1365
1366 Mrs. Jones - Any other questions for Mr. Pambid? Any other questions for
1367 the applicant?
1368
1369 Mr. Pambid - I did have a conversation with the engineer this morning
1370 regarding the lighting fixtures. They have agreed to change those.
1371
1372 Mr. Witte - Okay. So, they won't be the standard shoebox—flat top, flat
1373 bottom, flat sides?
1374

1375 Mr. Pambid - On the plan they were showing just a—I guess you could call
1376 it a shoebox, but it does conform to County standards. When I did speak with the
1377 engineer this morning, they agreed to go with something lower profile. One of the
1378 examples that I showed was the Colonial Shooting Academy light fixtures which are
1379 more angular and less boxy, if you will.
1380
1381 Mr. Witte - All right, thank you. I had forgotten to ask about that.
1382
1383 Mrs. Jones - Let me follow up on your question. Will that lighting be
1384 coming back to the Commission or will that be approved administratively?
1385
1386 Mr. Pambid - That's included today.
1387
1388 Mr. Witte - That's included.
1389
1390 Mrs. Jones - Okay. All right. Mr. Witte?
1391
1392 Mr. Witte - Thank you.
1393
1394 Mr. Pambid - You're welcome.
1395
1396 Mr. Witte - Madam Chair, in reference to POD2012-00226, Popeye's at
1397 Fountain Square Shopping Center, I move for approval subject to the annotations on the
1398 plans, the standard conditions for developments of this type, and Conditions #11B and
1399 #29 through #35.
1400
1401 Mrs. Jones - And the revised plan on the addendum.
1402
1403 Mr. Witte - And the revised plan, yes, ma'am. Thank you.
1404
1405 Mr. Leabough - Second.
1406
1407 Mrs. Jones - Motion by Mr. Mr. Witte, seconded by Mr. Leabough. All in
1408 favor say aye. All opposed say no. The ayes have it; the motion passes.
1409
1410 The Planning Commission approved POD2012-00226, Popeye's at Fountain Square
1411 Shopping Center, subject to the annotations on the plans, the standard conditions
1412 attached to these minutes for developments of this type, and the following additional
1413 conditions:
1414
1415 11B. Prior to the approval of an electrical permit application and installation of the site
1416 lighting equipment, a plan including light spread and intensity diagrams, and
1417 fixture specifications and mounting heights details shall be revised as annotated
1418 on the staff plan and included with the construction plans for final signature.
1419 29. A concrete sidewalk meeting VDOT standards shall be provided along the north
1420 side of W. Broad Street.

- 1421 30. Outside storage shall not be permitted.
- 1422 31. Evidence of a joint ingress/egress and maintenance agreement must be
- 1423 submitted to the Department of Planning and approved prior to issuance of a
- 1424 certificate of occupancy for this development.
- 1425 32. The location of all existing and proposed utility and mechanical equipment
- 1426 (including HVAC units, electric meters, junction and accessory boxes,
- 1427 transformers, and generators) shall be identified on the landscape plans. All
- 1428 equipment shall be screened by such measures as determined appropriate by the
- 1429 Director of Planning or the Planning Commission at the time of plan approval.
- 1430 33. Only retail business establishments permitted in a B-3 district may be located in this
- 1431 center.
- 1432 34. The ground area covered by all the buildings shall not exceed in the aggregate 25
- 1433 percent of the total site area.
- 1434 35. No merchandise shall be displayed or stored outside of the building(s) or on
- 1435 sidewalk(s).

1436
1437 **RESOLUTION: SIA-001-12 - Dumbarton Area Library Relocation - Substantially in**
1438 **Accord with the County of Henrico Comprehensive Plan (Brookland District).**

1439
1440 Mrs. Jones - Good morning.

1441
1442 Mr. Doyle - Good morning.

1443
1444 At the request of Henrico County Public Libraries, the Planning Commission conducted a
1445 Substantially in Accord Study to determine if a proposal for the relocation of the
1446 Dumbarton Area Library is substantially in conformance with the County's adopted
1447 Comprehensive Plan.

1448
1449 The proposed site is located within the Staples Mill Centre, a planned UMU. This
1450 development is bounded by Bethlehem Road to the north, Staples Mill Road to the east,
1451 Libby Avenue and Spencer Road to the west, and Willow Place Shopping
1452 Center/Mayfield subdivision to the south in the Brookland District. The site was zoned
1453 Urban Mixed Use (Conditional) via case C-5C-07, and a public library is a permitted
1454 principal use in the UMU District.

1455
1456 The proposed library would be located on the UMU's single largest parcel. The overall
1457 site, 3.29 acres, is part of a development agreement that encompasses two individual tax
1458 parcels located in the central portion of Staples Mill Centre. The library is anticipated to
1459 be a three-story, 50,000- to 60,000-square-foot facility and include a surface parking lot
1460 with 236 spaces. Vehicular access would be provided via public easements along private
1461 roads. Pedestrian pathways would also be provided.

1462
1463 The 2026 Comprehensive Plan designates the subject property for Urban Mixed-Use.
1464 The surrounding area is recommended for Suburban Residential 2, Environmental
1465 Protection Area, Commercial Concentration, Office, and Light Industry uses. The

1466 provision of public facility improvements is generally compatible and appropriate with
1467 these land use recommendations.

1468
1469 After reviewing the proposed site in the context of existing and recommended land uses,
1470 the transportation network, and other site characteristics and considerations, staff
1471 concludes the proposed use of the site for a library presents no apparent conflict with the
1472 intent of the adopted plan and deems it to be substantially in accord with the goals,
1473 objectives, and policies of the Henrico County 2026 Comprehensive Plan.

1474
1475 This concludes my presentation. I'd be happy to answer any questions you may have.

1476
1477 Mrs. Jones - Thank you, Mr. Doyle. Are there questions?

1478
1479 Mr. Emerson - Madam Chair, before we move forward I would point out to
1480 you that the map is somewhat inconsistent, and we'll correct it before it goes to the
1481 Board. You're not finding the entire Urban Mixed-Use center of Staples Mill Centre
1482 substantially in accord; you're actually finding the site of the library substantially in
1483 accord. One of the lines doesn't necessarily follow the GPIN. One of the problems that
1484 we have, of course, is that this parcel has not been subdivided out yet; therefore, you
1485 only have the GPIN for the entirety of the project. The project does encompass the
1486 parking area as well. So, what you're finding substantially in accord is the approximately
1487 three acres the County will be acquiring from Gumenick for the development of the
1488 library and the parking area.

1489
1490 Mrs. Jones - Understood. Any questions for Mr. Doyle? All right. Thank
1491 you.

1492
1493 Mr. Leabough - Question, Mr. Secretary. Is this the old—

1494
1495 Mrs. Jones - Suburban Apartments, yes.

1496
1497 Mr. Emerson - Yes, sir, it is.

1498
1499 Mr. Leabough - I'm glad something will be going there.

1500
1501 Mr. Emerson - It's hopeful that by placing a public use in there it will be a
1502 catalyst for the development of the entirety of the property. It will certainly kick it off. Of
1503 course the slowdown in the economy has somewhat held that back, but it is quite a nice
1504 proposal for the Urban Mixed-Use site. We're excited about it.

1505
1506 Mr. Leabough - It's more activity than there is now.

1507
1508 Mr. Emerson - Exactly.

1509
1510 Mrs. Jones - I think it's very logical and hopefully will be an on-target
1511 location for this kind of facility. Mr. Secretary, do you read the resolution?

1512
1513 Mr. Emerson - Yes, Madam Chair, I will read the resolution into the record.
1514
1515 SIA-001-12 – Dumbarton Area Library Relocation Site – Substantially in Accord with the
1516 Comprehensive Plan.
1517
1518 WHEREAS, Section 15.2-2232(a) of the Code of Virginia requires the Planning
1519 Commission to review and to consider whether the general or approximate location,
1520 character and extent of major public facilities are substantially in accord with the
1521 County's Comprehensive Plan; and,
1522
1523 WHEREAS, the Planning Commission has reviewed the proposed Dumbarton Area
1524 Library Relocation Site for conformance with the County's 2026 Comprehensive Plan;
1525 and,
1526
1527 WHEREAS, a report dated July 18, 2012, presented by the Planning Staff to the
1528 Planning Commission found the proposed use would not be in conflict with or a
1529 significant departure from the adopted Plan; and,
1530
1531 WHEREAS, the Planning Commission has reviewed the staff recommendations and
1532 finds the proposed Dumbarton Area Library Relocation Site will further the Goals,
1533 Objectives, and Policies of the Comprehensive Plan that identify the need for new public
1534 services and facilities based on projected and planned growth in accordance with the
1535 2026 Future Land Use Map; and,
1536
1537 WHEREAS, the Planning Commission finds the proposed use of this site for the
1538 Dumbarton Area Library Relocation would be compatible with the adjacent developments
1539 and existing and future residential developments in the larger vicinity.
1540
1541 NOW, THEREFORE, BE IT RESOLVED, the Henrico County Planning Commission
1542 finds the proposed Dumbarton Area Library Relocation Site substantially in accord with
1543 the County's Comprehensive Plan.
1544
1545 Mrs. Jones - Mr. Secretary, I would like to move the resolution.
1546
1547 Mr. Witte - Second.
1548
1549 Mrs. Jones - Motion by Mrs. Jones, seconded by Mr. Witte. All in favor say
1550 aye. All opposed say no. The ayes have it; the motion passes.
1551
1552 Mr. Emerson - Madam Chair, the next item on your agenda will be the
1553 consideration of the Planning Commission calendar that was included in your package.
1554
1555 Mrs. Jones - Mr. Secretary, I would like to ask whether it might be more
1556 appropriate to discuss this at our next meeting when we have our other commissioners
1557 with us.

1558
1559 Mr. Emerson - We can do that. We can take it up on the ninth, if you'd like.
1560
1561 Mrs. Jones - I would prefer that simply because we are missing two of our
1562 members today.
1563
1564 Mr. Emerson - Certainly.
1565
1566 Mrs. Jones - All right. Do I need an actual motion for that?
1567
1568 Mr. Emerson - No, ma'am, I think we can just move it to the next agenda.
1569
1570 Mrs. Jones - All right. I'd like to suggest we do that unless there is an
1571 objection.
1572
1573 Mr. Emerson - As long as we have concurrence, I don't believe we need a
1574 motion.
1575
1576 Mrs. Jones - All right, thank you very much.
1577
1578 Mr. Emerson - Madam Chair, the next item on your agenda is a discussion
1579 item, and it's to set a work session to discuss items that have come to us from the
1580 General Assembly. We do have Board papers here in my stack that the Board did take
1581 action on regarding several of these items, directing the Commission to begin
1582 examination of potential amendments to the code. One of them is House Bill 571, which
1583 requires the extension of measures to address the housing crisis. As you know, we did
1584 have an extension on all subdivisions to 2014—or subdivisions, plans of development,
1585 and other types of actions, but this takes those approvals and makes them valid from
1586 July 1, 2014, to July 1, 2017. So it essentially is just extending the time frame. It's the
1587 Homebuilders' Relief Act, basically, that allows them not to have to continue to apply for
1588 extensions.
1589
1590 There is also a bill that we need to consider that governs local regulation of helicopter
1591 use that would provide that no local ordinance shall impose a total ban on departures
1592 and landings by non-commercial helicopters for personal use. So we have to look at that.
1593 I believe we're probably in fairly good shape on that, but we do need to take a look at it.
1594
1595 Then, Senate Bill 179 that deals with reimbursement of administrative costs for bond
1596 administration that allows for the County to collect funds for the cost of administration of
1597 bonds when developments don't meet their deadlines, go bankrupt, or run into some
1598 other financial difficulty that causes us to have to complete those improvements
1599 guaranteed by the bonds, which we've run into quite a bit in the last year or two.
1600
1601 Mrs. Jones - Sign of the times.
1602

1603 Mr. Emerson - Yes, ma'am. What I would like to ask is that you schedule a
1604 work session at your September 13 meeting. Possibly, you may want to come in at 5:30
1605 p.m.; we can have some food available.
1606

1607 Mrs. Jones - I believe everyone is in favor of that, yes. Should we just
1608 generally agree that at our Rezoning meeting, to come in early at 5:30 for the work
1609 session?
1610

1611 Mr. Emerson - Yes, ma'am, that's fine. If we have a consensus, I don't
1612 necessarily need a motion. We'll just place that on your September 13 agenda.
1613

1614 Mrs. Jones - Yes.
1615

1616 Mr. Leabough - Conditioned with the food provision.
1617

1618 Mr. Emerson - Absolutely. Madam Chair, with that said, I do not have any
1619 other items for the Commission this morning.
1620

1621 Mrs. Jones - How about the approval of our minutes?
1622

1623 Mr. Emerson - Oh, I'm sorry; I skipped right over that. I'm skipping all over
1624 everything this morning. We do have the approval of the minutes for June 27, 2012. It is
1625 my understanding speaking with staff that we did not find any corrections when the
1626 Commission was polled on the minutes; therefore, there is no errata sheet.
1627

1628 APPROVAL OF MINUTES: June 27, 2012
1629

1630 Mr. Leabough - Madam Chair, I move approval of the minutes from the June
1631 27 meeting.
1632

1633 Mr. Witte - Second.
1634

1635 Mrs. Jones - I have a motion that we approve the minutes as distributed by
1636 Mr. Leabough, seconded by Mr. Witte. All in favor say aye. All opposed say no. The ayes
1637 have it; the motion passes.
1638

1639 The Planning Commission approved the June 27, 2012 minutes as submitted.
1640

1641 Mrs. Jones - Is there any other Commission business from the
1642 Commissioners? Mr. Secretary has none.
1643

1644 Mr. Emerson - No, ma'am.
1645

1646 Mrs. Jones - All right, I'll entertain a motion.
1647

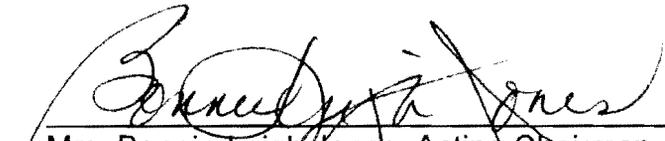
1648 Mr. Leabough - I move for adjournment.

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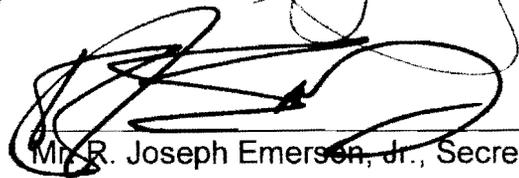
Mr. Witte - Second.

Mrs. Jones - Moved and seconded. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

Meeting is adjourned.



Mrs. Bonnie-Leigh Jones, Acting Chairman



Mr. R. Joseph Emerson, Jr., Secretary

PLANS OF DEVELOPMENT

A. Standard Conditions for all POD's:

1. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water and sewer. **(when the property is served by public utilities)**
- 1A. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public water. The well location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public water system when available within 300 feet of the site/building. **(when not served by public water)**
- 1B. The owner shall enter into the necessary contracts with the Department of Public Utilities for connections to public sewer. The septic tank location shall be approved by the County Health Department before a building permit is issued. Connection shall be made to the public sewer when available within 300 feet of the site/building. **(when not served by public sewer)**
2. The Director of the Department of Public Utilities shall approve the plan of development for construction of public water and sewer, prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least **48** hours prior to the start of any County water or sewer construction.
3. The parking lot shall be subject to the requirements of Chapter 24, Section 24-98 of the Henrico County Code.
4. The parking spaces shall be marked on the pavement surface with four-inch-wide traffic painted lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall yellow.
5. Sufficient, effectively usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
7. The plan of development plan shall be revised as annotated on the staff plan dated **July 25, 2012**, 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 **July 25, 2012**, 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 **July 25, 2012**, which shall be as much a part of this approval as if all details were fully described herein.

9. This approval shall expire on July 24, 2013, 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 **July 25, 2012**, which shall be as much a part of this approval as if all details were fully described herein.
8. This approval shall expire on **July 24, 2013**, 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 **July 25, 2012**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **July 24, 2013**, 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 **July 25, 2012**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **July 24, 2013**, 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 **July 25, 2012**, which shall be as much a part of this approval as if all details were fully described herein.
9. This approval shall expire on **July 24, 2013**, 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.

